

28.09.2022
Item No. 42
Court No.1
gd/ssd

MAT/108/2022
IA NO: CAN/1/2022

SK. JAHED ALI

VS

THE STATE OF WEST BENGAL AND ORS.

Mr. Malay Bhattacharya,
Mr. Madan Mohan Roy,
Mr. Subhrajyoti Ghosh

... for the appellant

Mr. Nilotpal Chatterjee,

... for the State

This intra-court appeal is at the instance of the writ petitioner challenging the order of the learned Single Judge dated 13th of January, 2022 passed in WPA 19628 of 2021 whereby learned Single Judge on the basis of the statement of Munjar Ali Sha recorded under Section 164 of the Cr.P.C. had concluded that he is neither missing nor untraceable. Learned Single Judge also recorded his disbelief that Manjur Ali Sha and his wife (mother wrongly mentioned as wife) are untraceable. Accordingly, the writ petition was dismissed.

Record reflects that appellant had filed the petition with the plea that on being informed by the local people of Purba Gopinathpur village, the appellant on 7th of August, 2021 had gone to the matrimonial home of his married elder sister, Guljar Bibi and found the house ransacked and also found Guljar Bibi and her son, Munjar Ali Sha missing. Accordingly, initially a complaint

was made then the writ petition was filed with the prayer inter alia to issue direction to the official respondents to recover the missing persons.

Learned counsel for the State had initially informed this Court that the two missing persons namely, Guljar Bibi and Manjur Ali Sha were not traceable, thereafter, the attempt was made by the police authorities to trace out the two missing persons and today, the missing persons, Guljar Bibi and her son, Munjar Ali Sha have been recovered and produced before this Court.

The status report has been filed by the learned counsel for the State which is taken on record.

The two missing persons, namely, Guljar Bibi and Munjar Ali Sha have stated in the open Court that on account of the torture by the in-laws of Guljar Bibi they were forced to leave their residential house and were required to run from one place to another.

They have expressed their willingness to live in their residential house at Purba Gopinathpur. It has been pointed out that the residential house, in which the two missing persons were residing, is separate from the house of in-laws.

Learned counsel appearing for the State has also assured that adequate police protection will be provided to these two missing persons to save them from harassment from her in-laws.

Hence, we dispose of this appeal with liberty to Guljar Bibi and Munjar Ali Sha to live in their residential house at Purba Gopinathpur and by directing the Superintendent of Police, Purba Medinipur to ensure that they are not unnecessarily harassed either by the in-laws of Guljar Bibi or any other unwanted person.

The petition is accordingly disposed of.

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]