

01.07.22
SI-07
Ct.32
(S.R.)

WPA (H) No.37 of 2022
with
IA No: CAN 1 of 2022
Smt. Debjani Maity
v.
State of West Bengal & Ors.

Mr. Sudipta Panda ... for the petitioner.

Mr. Sabir Ahmed ... for the State.

Mr. Kaushik Gupta
Ms. Srimoyee Mukherjee
... for the added respondent.

Mr. Anirban Tarafder
Ms. Nipa Sarkar ... for the respondent no.5.

At the first sitting of the Court today, we directed the petitioner and her sister-in-law, who were present in Court, to attend the office of the respondent no.4 immediately and requested Mr. Ahmed, learned advocate appearing for the State to make necessary arrangements so that they can meet with the victim girl, who is the daughter of the petitioner. We were informed that the girl was residing in the accommodation provided to her by the respondent no.5. Pursuant to our direction, the petitioner and her sister-in-law met with the respondent no.4, who deputed a lady officer to accompany them to the office of the respondent no.5. They, accordingly, met with the girl and had a prolonged conversation. A report of the respondent no. 4, as placed, be kept on record.

In connection with the writ petition, an application for addition of party being CAN 1 of 2021 has been filed by

the victim girl. The said application is allowed. The learned advocate of the petitioner is granted leave to make necessary correction in the cause title.

Heard Mr. Panda, learned advocate appearing for the petitioner, Mr. Ahmed, learned advocate appearing for the State, Mr. Tarafder, learned advocate appearing for the respondent no.5 and Mr. Gupta, learned advocate appearing for the added respondent.

Records reveal that a complaint was lodged by the petitioner stating, *inter alia*, that her daughter went missing on and from 20th May, 2022. Such fact was intimated to the police authorities and a missing diary was registered. An enquiry was conducted and it could be ascertained that the missing girl, namely, Shrabani Maity, was residing in an accommodation provided by the respondent no.5, Sappho for Equality, a non-government organization. Thereafter, the concerned officer met with the girl and she stated that she willingly left her parental house and was residing in the accommodation provided by the respondent no. 5 at 21, Jogindra Garden (South), Kolkata – 700 078. A letter to that effect was also written by the girl to the Inspector-in-Charge, Maidan Police Station on 23rd June, 2022. It further appears that a complaint was also lodged before the Officer-in-Charge of Kasba Police Station by the Senior Administrator of the respondent no.5 on 1st June, 2022. On the basis of such complaint, the concerned officer visited the office of the

respondent no.5 and met with the girl and she wrote a letter on 26th June, 2022 to the Inspector-in-Charge of Kasba Police Station. Let the documents including the letters of the girl, as produced, be kept on record.

A writ in the nature of *habeas corpus* is a prerogative writ by virtue of which the causes and validity of detention of a person are investigated by a summary procedure. It appears that the girl is adult and is presently aged about 20 years. She willingly left her parental house and approached the respondent no.5, a non-government organization and she is presently residing at 21 Jogendra Gardens (South), Ground Floor, Kolkata – 700 078. It is not a case that she is under illegal detention.

The exercise of the power of writ in the nature of *habeas corpus* would perhaps not be feasible in the fact situation of the instant case.

In view thereof, no interference is called for and the present petition, being W.P.A (H) No.37 of 2022, is dismissed.

There shall, however, be no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Raja Basu Chowdhury, J.) (Tapabrata Chakraborty, J.)

