

S/L 86
21.6.2022
Court. No. 19
sn

WPA 14083 of 2021

Babar Ali Seikh
Vs.
The State of West Bengal & Ors.

Ms. Shabana Hasin
Mr. Mobaidur Hossain ... for the petitioner

Mr. Santanu Kr. Mitra
Mr. Rama Halder ..for the State

Mr. Robiul Islam
Mr. S. A. Munshi
Ms. Pramita Banerjee ..for the respdts.6&7

The allegation of the petitioner against the respondent nos. 6&7, prima facie is not substantiated in view of the police report which has been filed before this Court. The report is taken on record.

It appears that on the first occasion when the son of the petitioner allegedly went missing, the police investigation revealed that the son of the petitioner eloped with the respondent No.5. The police arrested the said lady and recovered the petitioner's son and produced him before the court.

The victim boy gave his statement before the 1st Class Judicial Magistrate, 2nd Court, Berhampore under Section 164 of the Code of Criminal Procedure. He deposed that he had left the house as his mother scolded him for using the mobile phone. The statement of the victim boy has been annexed to the police report. The victim boy further stated before the

learned Magistrate, that he had not been forced by anyone to leave the house. The boy was 17 years 10 months, at the relevant point of time. A charge sheet was submitted against Sonavanu Bibi @ Sonali Bibi in connection with Nowda Police Station Case No. 27/21 dated January 22, 2021 under Section 363/365 of the Indian Penal Code, vide Charge Sheet No. 75 of 2021 dated March 30, 2021.

Again, the son of the petitioner eloped with the respondent No. 5. Pursuant to the second complaint filed by the petitioner dated September 10, 2021 Nowda Police Station Case No. 213 of 2021 was registered and during investigation it transpired that the son of the petitioner had run away once again with Sonali Bibi and they were residing at Himachal Pradesh. The police authorities further submitted that the actual location where the couple is residing, is not yet known.

The first complaint of the petitioner being Nowda Police Station case no. 27 of 2021 was registered and charge sheet has been filed. On the basis of the second complaint of the petitioner, Nowda Police Station case no. 213 of 2021 has been started and the investigation is under progress. The son of the petitioner has attained majority and is not willing to return to his parents.

The police authorities are directed to conclude the investigation within a period of two months from the date of communication of this order.

It is expected that the police authorities shall at least make an effort to ensure the parents can speak to the victim boy over telephone and find out about his well being.

The police report is taken on record.

This writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)