

17.11.2022
Item No.01
Court No.32
Avijit Mitra

WPA (H) 59 of 2022

In re: An application under Article 226 of the
Constitution of India;

And

Sahinur Sain

-vs-

State of West Bengal & ors.

Ms. Shabana Hasin

....for the petitioner

Mr. Debabrata Chatterjee,

Mr. Simanta Kabir

...for the State

Mr. Atis Kumar Biswas,

Mr. Jyoti Agarwal

...for the respondent nos. 4 & 5

Mr. Amit Singh

...for the added respondent no.6

Pursuant to our earlier direction, Ms. Hasin, learned advocate appearing for the petitioner has produced the original documents and the same have been handed over to the victim girl, who is present in Court today.

The present *habeas corpus* petition was filed by the petitioner alleging that his wife suddenly went missing on and from 7th September, 2022. On the said date itself, the petitioner lodged a complaint before the respondent no.3 but no steps were taken.

The matter first came up for hearing before this Court on 29th September, 2022, when Mr. Biswas, learned advocate appearing for the parents of the victim girl, being the respondent nos. 4 and 5 herein denied the factum of

marriage and submitted that their daughter is willingly residing with them.

An addition of party application being CAN 1 of 2022 was filed by the victim girl and the said application was allowed on 10th November, 2022. She is presently working as a nursing staff in Hariharpara Block Primary Health Center, Hariharpara, Murshidabad. The petitioner is also engaged as a casual group 'D' staff at Hariharpara Block Primary Health Center.

Mr. Singh, learned advocate appearing for the victim girl being the added respondent no.6 as well as Mr. Biswas allege that the petitioner is threatening the victim girl and as such she is not being able to join her duties at Hariharpara Block Primary Health Center.

Such allegation has been categorically denied by Ms. Hasin, learned advocate appearing for the petitioner.

Heard the learned advocates appearing for the respective parties. The petitioner, who is present in Court, undertakes that he would not disturb the victim girl in any manner whatsoever.

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. We do not find any material on record to infer that the victim girl had been illegally detained. She is willingly residing with her parents at Village - Baishnabpara, Post Office - Mamimpur, Police - Station Domkal, District -

Murshidabad and as such, no further interference is called for in the present petition.

The *habeas corpus* application being WPA (H) 59 of 2022 is, accordingly, disposed of.

There shall however be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)