

06.01.2023
Item No.02
Court No.32
Avijit Mitra

WPA (H) 1 of 2023

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

And

Smt. Sasthi Majahi @ Sasthi Rani Majhi

-vs-

State of West Bengal & ors.

Ms. Sibangi Chattopadhyay

....for the petitioner

Mr. Sabir Ahmed,

Mr. Simanta Kabir

...for the State

Affidavit of service filed by the petitioner be kept on
record.

The present *habeas corpus* petition has been
preferred primarily praying for the following relief :

*“a) A writ in the nature of Habeas Corpus directing the
respondent no. 2, 3 & 4 and their men, agents and
subordinates to produce Deepa Majhi the Daughter of
the petitioner before the Hon’ble Court”*

Ms. Chattopadhyay, learned advocate appearing for
the petitioner submits that the petitioner’s daughter went
missing on 5th December, 2022 and she got the information
that the private respondent nos. 5 to 7 illegally detained
the victim girl and she approached the private respondent
nos. 5 to 7 to return the victim girl to her custody. The
private respondent nos. 5 to 7 refused to do the same and
consequently she lodged one complaint with the concerned
police station which gave rise to Hingalganj Police Station

Case No.282 of 2022 dated 26th December, 2022 but the concerned police authorities did not take any steps to recover the said girl from the custody of the private respondents and to hand over the custody of the victim to the writ petitioner and hence she has been constrained to prefer the instant habeas corpus petition and she submits that an appropriate order is required to be passed so that she can get the custody of the victim girl, who is a minor.

Mr. Kabir, learned advocate appearing for the State respondents submits that on the basis of the complaint lodged by the petitioner, Hingalganj Police Station Case No.282 of 2022 dated 26th December, 2022 under Sections 363/365/364 of the Indian Penal Code was started and in course of investigation of that case the victim girl was recovered and her statement was recorded under Section 164 of the Code of Criminal Procedure and after completion of all formalities, the custody of the victim girl has been handed over to 'Ananda Kendra Home' Atghara, Police Station Baduria, North 24 Parganas on 27th December, 2022 and the girl is still residing there. Let the copies of the documents, as produced, be kept on record.

Since the victim girl has been recovered and is presently residing at 'Ananda Kendra Home', Atghara, Police Station Baduria, North 24 Parganas, we do not find any material to infer that the victim girl has been illegally detained and to issue of writ of *habeas corpus*.

In view thereof, no further order is required to be passed in the present *habeas corpus* petition and the same is accordingly, disposed of.

It is clarified that this order shall not debar the petitioner from taking any appropriate steps before the appropriate forum, in accordance with law.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

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