

17.08.2023
rpan/03

WPA (H) 16 of 2023
Gobinda Mondal
– Versus –
The State of West Bengal & Others

Mr. Joy Chakraborty,
Ms. Ipsita Ghosh
... for the Petitioner.
Mr. Debabrata Chatterjee,
Mr. Simanta Kabir
... for the State.
Mr. Dipankar Mandal,
Mr. Abdul Aziz Mondal
... for the Respondent no.6.

The present writ petition has been preferred primarily praying for the following relief:

‘a. That this Hon’ble Court be pleased to issue a writ in the nature of habeas corpus and/or any other writ, order or mandatory direction in the nature of habeas corpus directing the respondent no. 2 & 3 or their men, agents, employees and sub-ordinates to take immediate steps to produce daughter of the petitioner before this Hon’ble Court.’

Mr. Chakraborty, learned advocate appearing for the petitioner submits that the petitioner’s daughter, who attained the age of 22 years, went missing on and from 25th July, 2022. On 27th July, 2022 one general diary, *vide* Raidighi P.S. GDE 1720 dated 27th July, 2022 was lodged with the local Police Station. Subsequent thereto, a complaint was also lodged on 17th August, 2022 which gave rise to a case *vide*

Raidighi P.S. Case no.439 of 2022 dated 17th August, 2022 under Section 365 of the Indian Penal Code. He submits that despite being approached on numerous occasions by the writ petitioner, the concerned police authority did not take appropriate steps to recover the victim lady and hence, the writ petitioner has been constrained to approach this Court.

Mr. Kabir, learned advocate appearing for the State submits that even on the date of missing the victim lady had a chat with her mother on WhatsApp. He further submits that the victim lady is major and from the report, it transpires that the victim lady had a love affair with the private respondent no.4. He, however, submits that investigation is going on.

Heard the learned advocates. Perused the materials placed before us.

The statement of the mother of the victim lady, recorded under Section 161 of the Code of Criminal Procedure in connection with Raidighi P.S. Case no.439 of 2022 suggests that the victim lady, who is a major, had a love affair with the private respondent no.4 and there is an indication that the victim lady might have tied marital chord with the respondent no.4 and the investigation is still going on and no other material has come up to lead us to infer that the victim lady has been illegally detained by any person or authority. This Court cannot convert itself into a

monitoring agency to go on supervising the investigation for an indefinite period.

In view thereof, no further interference in the writ petition is called for and consequently, the same stands dismissed.

However, it is clarified that the investigating officer shall conclude the investigation in a fair and impartial manner and come to a logical conclusion to the investigation as expeditiously as possible.

This order shall not prevent the petitioner from taking appropriate steps in accordance with law in appropriate forum.

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.)