

27.04.2023
Item No.13
gd/ssd

FMA/697/2021
IA NO: CAN/1/2021
SUNIL KUMAR SARKAR
VS
STATE OF WEST BENGAL AND ORS.

Mr. Shataroop Purkayastha,
Ms. Jagriti Bhattacharya
..for the Appellant.

Mr. Amitesh Banerjee,
Mr. Tarak Karan
..for the State.

1. By this intra court appeal the appellant being dissatisfied with the order passed in WPA 8163 of 2020 dated 02.02.2021 has filed this appeal. The complaint of the appellant is regarding his son who went missing. On the date when the petitioner's son was missing, he was aged about 25 years and as of now his age should be about 29 years and the allegation is that the appellant's son was abducted on 24th June, 2019.

2. Admittedly, the appellant had been pursuing the matter before the concerned Court of Chief Judicial Magistrate and in a protest petition filed by the appellant the concerned Court has already ordered further investigation.

3. The appellant's grievance is that the investigation is being prolonged endlessly and, therefore, a specialised agency should be directed to

take over the investigation and complete the same expeditiously and trace the whereabouts of his missing son.

4. In our view considering the age of the missing son at present and also taking note of the fact that the Court of competent jurisdiction has already directed further investigation in the matter, we direct the concerned police to form a Special Team and pursue the investigation diligently and conclude the same within a period of two months from date and file a report before the concerned Court. In the event the appellant is not satisfied with the report that may be filed by the police before the concerned Court, we grant liberty to the appellant to avail other remedies open to him under the law.

5. With the above observation, the appeal is disposed of.

(T. S. SIVAGNANAM)
ACTING CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)