

WPA (H) 29 of 2022
Kartick Chakraborty

v.

The State of West Bengal & Ors.

24.04.2023
SL-03
Ct.32
(S.R.)

Mr. Niladri Saha	... for the petitioner.
Mr. Debabrata Chatterjee	
Mr. Simanta Kabir	... for the State.

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

‘(a) Issue a writ of and/or in the nature of Mandamus directing the respondent authorities to forthwith rescue the petitioner’s daughter and return her to the safe custody of the petitioner;’

Mr. Saha, learned advocate appearing for the petitioner submits that his minor daughter, namely, Koyel Chakraborty (in short, Koyel) went missing from 20th October, 2021. A complaint to that effect was lodged before the Chakdah Police Station and the same was registered as Chakdah Police Station Case No.605 of 2021 dated 21st October, 2021. Subsequent thereof, as appropriate steps were not taken by the police authorities, the petitioner was constrained to file the present writ petition.

Mr. Kabir, learned advocate appearing for the State submits that the investigation was handed over to CID. The investigating officer made a sincere endeavour to recover the victim girl. In response to the earlier orders of this Court, the status of investigation was intimated by

the Deputy Inspector General of Police (Special), CID, West Bengal by filing the reports, as called for. Placing reliance upon the report, as filed today, Mr. Kabir submits that in course of investigation the school friends of the victim girl, the teacher-in-charge of the institution where the girl was studying, were examined and steps were also taken to conduct search in Child Care Institutions of the State through the Missing Child Track Portal. The Chief Medical Officers of Health in different districts were requested to intimate as to whether any unidentified dead body matching with the physical description of the victim girl was found. In course of investigation one Sahajul Mondal, who had a conversation with the missing girl over a mobile phone was also arrested and interrogated. The competent authority, Meta Platform, Californi was also approached through the Cyber Crime Unit of CID, WB for providing details of the facebook account of the victim girl. Raids were conducted at different places including Mumbai and Pune. Raids were also conducted in various dance bars. The facebook profile of the victim girl was analyzed with technical assistance of the competent persons. Yellow corner notice was also issued by the Interpol in Nepal and Bangladesh to locate the victim girl. In spite of such efforts, the victim girl could not be recovered.

Heard the learned advocates and considered the

materials on record.

As the victim girl was a minor, directions were issued for investigation by the CID authorities. From the reports, as filed, it appears that several steps were taken pursuant to earlier orders passed by this Court but unfortunately the victim girl has not yet been recovered and that investigation is still continuing. The averments made in the writ application also reveal that the victim girl was suffering from nerve oriented diseases and that she abruptly left her parental house on 23rd October, 2021.

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. This Court in exercise of its jurisdiction can neither usurp the ordinary administration of criminal justice nor can convert itself into a monitoring agency and indefinitely supervise the investigation.

In view thereof, no further interference is called for in the present *habeas corpus* petition being WPA (H) 29 of 2022 and the same is, accordingly, disposed of.

Needless to observe that the CID authorities shall endeavour to produce the persons involved in the alleged offence before the appropriate Court of law and shall conclude the investigation as expeditiously as possible.

There shall, however, be no order as to costs.

Urgent Photostat certified copy of the order if applied for, be made over to the parties as expeditiously as possible.

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