

WPA (H) 25 of 2023

(Arati Mandal & Anr. Vs. The State of
West Bengal & Ors.)

Ms. Pampa Dey (Dhabal)
Mr. Balaram Pandit

..... For the petitioners

Mr. Debabrata Chatterjee, Ld. APP
Mr. Simanta Kabir

..... For the State

Affidavit-of-service filed by the petitioners be kept
on record.

The present *habeas corpus* petition has been
preferred praying for issuance of necessary directions
upon the State respondents to trace out and produce
the son of the petitioners, namely, Sourav Mandal (in
short, Sourav).

Ms. Dhabal, learned advocate appearing for the
petitioners submits that the petitioners' son, namely,
Sourav went missing on and from 24th April, 2023. The
petitioner no. 1 informed such fact to the respondent
no. 3 and a general diary being GDE No. 1249/2023
dated 27th April, 2023 was recorded. Surprisingly
thereafter, the respondents did not take any steps to
recover Sourav. The repeated representations made
thereafter were also not responded to. Aggrieved
thereby, the petitioners have approached this Court.

Mr. Chatterjee, learned Additional Public
Prosecutor assisted by Mr. Kabir, learned advocate

appearing for the State respondents submits that the complaint lodged by the petitioner no. 1 on 6th May, 2013 was registered as Mohanpur PS Case No. 119/2023 dated 6th May, 2023 under Section 365 of the Indian Penal Code. In course of investigation, the investigating officer was able to contact Sourav and to ascertain his whereabouts. Thereafter, Sourav sent copies of an affidavit affirmed before the Notary Public and his Aadhaar Card intimating, *inter alia*, that he had willingly left his parental house and is presently residing at #21,D#3rd Street, Ulsoor, Bangalore 560008, Karnataka, India. It was also intimated that he had adopted the Islam religion and he has changed his name from Sourav to '*Shaikh Mohammed Abdullah*' and that he is the son of Debendranath Mandal being the petitioner no. 2 herein. Let the documents, as produced, be kept on record. Copies of the same have been handed over to Ms. Dhabal in Court today.

Records reveal that Sourav is presently 25 years of age. He willingly left his parental house and is presently residing at #21,D#3rd Street, Ulsoor, Bangalore 560008, Karnataka, India. We do not find any material to infer that Sourav had been illegally detained.

In view thereof, no further interference is called for in the present *habeas corpus* being **WPA (H) 25 of 2023** and the same is, accordingly, disposed of.

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

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Partha Sarathi Chatterjee, J.)

(Tapabrata Chakraborty, J.)