

09.08.2023
SL-17
Ct.11
(S.R.)

WPA (H) 27 of 2023
Piyali Tudumandi
v.
The State of West Bengal & Ors.

Mr. Pradip Saren
Mr. Soumik Ghosh

... for the petitioner.

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

... for the State.

Mr. Rajendra Banerjee

... for UOI.

Mr. Ghosh, learned advocate appearing for the petitioner submits that the petitioner’s husband, namely, Dr. Sukumar Mandi is posted as Joint Director of Directorate of Rice Development and is working at Patna. The petitioner along with her children are residing in her matrimonial house at Paschim Medinipur. On 14th November, 2022, the petitioner’s husband returned from Patna and visited his in-law’s house at Dwarhata, Haripal in the district of Hooghly and on 16th November, 2022, he left for his working place. Surprisingly thereafter, the petitioner could not contact her husband any further and was in the dark about his whereabouts. Such fact was intimated to the petitioner’s office and on 21st November, 2022, the petitioner’s brother lodged a missing diary before the respondent no.2. The Directorate of Rice Development also lodged a missing complaint at Patna on 29th November, 2022. However, appropriate steps were not taken by the police authorities and as such, the

petitioner was constrained to lodge a further complaint before the Special Superintendent of Police (CID). Pursuant thereto, an advertisement was published in the Bengali '*Bartaman*' daily newspaper on 22nd December, 2022. In the midst thereof, the Director and Head of the Department of Directorate of Rice Development issued an office order dated 13th December, 2022 stating, *inter alia*, that the petitioner's husband was not attending office since 14th November, 2022 and as there was no balance of casual and earned leave available in the leave account of the petitioner's husband, his salaries would be stopped from the month of December, 2022.

Mr. Kabir, learned advocate appearing for the State denies and disputes the contentions of the petitioner and submits that responding to the petitioner's complaint Haripal Police Station Case No.227/2023 dated 24th May, 2023 under Sections 363/365 of the Indian Penal Code was registered and in spite of the best efforts of the police authorities, the petitioner's husband could not be recovered. In course of investigation the petitioner in her statement recorded under Section 161 of the Code stated, *inter alia*, that her husband was addicted to alcohol and on 14th November, 2022, her brother and others recovered him in an inebriate condition and he was thereafter taken to his in-law's house. From such sequence of facts it is explicit that the petitioner's husband has not been

illegally detained and as such no interference is called for in the present writ petition. Let the report, as produced, be kept on record.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

The petitioner's husband is posted as Joint Director of the Directorate of Rice Development. He is presently aged about 43 years. On the basis of the complaint lodged by the petitioner, witnesses were examined and raid was also conducted at Patna. All the sites relating to information of missing persons were analysed but in spite of such effort, the petitioner's husband could not be recovered. The Court cannot convert itself into a monitoring agency and supervise the investigation indefinitely. We also do not find any material to infer that the petitioner has been illegally detained.

In view thereof, no further interference is called for in the present *habeas corpus* petition and the same is, accordingly, disposed of.

Nothing in this order shall, however, prevent the petitioner from initiating proceedings before any other forum, if so advised and in accordance with law.

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.)