

13.07.2023
SL-01
Ct.11
(S.R.)

WPA (H) 64 of 2021
Uttam Roy
v.
The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury
Mr. Argha Das ... for the petitioner.

Mr. Debabrata Chatterjee
Mr. Parikshit Goswami
Ms. Priyanka Dutta ... for the State.

In invocation of the jurisdiction of this Court under Article 226 of the Constitution of India, the petitioner, *inter alia*, prayed for an order for production of his son, who went missing on and from 6th November, 2021.

Mr. Chowdhury, learned advocate appearing for the petitioner submits that on 6th November, 2021 the petitioner's son went missing and he lodged one missing diary in Chakdah Police Station being G.D. Entry No.411 dated 8th November, 2021 and on enquiry he came to learn that one Bidhan Majhi of Daspara Post Office and Police Station – Kalyani, District – Hooghly along with his associate took away his son and they have forcibly confined his son with an *mala fide* intention. On 17th November, 2021 and 22th November, 2021 he lodged further complaints but no effective steps have been taken by the concerned police authorities. Aggrieved thereby, he has been constrained to approach this Court.

Mr. Chatterjee, learned advocate appearing for the State submits that all possible steps have been taken to

find the whereabouts of the petitioner's son and the concerned investigating authority has been making sincere endeavour to recover the petitioner's son. Report, as produced by Mr. Chatterjee, is taken on record.

Heard the learned advocates and perused the materials produced before us. Record reveals that on the basis of the written complaint of the petitioner, a specific case vide Chakdah Police Station Case No.688/21 dated 19th November, 2021 under Sections 363/365 IPC was registered. In course of investigation of that case, it was found that the petitioner's son was arrested in connection with Kalyani PS Case No.94 of 2021 dated 15th June, 2021 under Sections 399/402 IPC and 25/35 of the Arms Act and one Bidhan Majhi @ Bidhan was nabbed and interrogated. From the report, as produced, it transpires that all possible steps have been taken by the investigating authority to recover the petitioner's son.

We do not find any material to infer that the petitioner's son has been wrongfully restrained or illegally detained by any person or authority.

In view thereof, no further interference is called for in the *habeas corpus* petition. Consequently, the *habeas corpus* petition being WPA (H) 64 of 2021 is disposed of, however, without any order as to the costs.

Needless to observe, the investigating authority shall bring the investigation to its logical conclusion as

expeditiously as possible.

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.)