

16.08.2023  
SL-09  
Ct.11  
(S.R.)

**WPA (H) 44 of 2023**  
**Dilip Kumar Roy**  
**v.**  
**The State of West Bengal & Ors.**

Mr. Sabyasachi Chatterjee  
Mr. Imtiaz Akhtar  
Mr. Sandipan Das  
Mr. Dipankar Das  
Mr. Badrul Karim ... for the Petitioner.

Mr. Debabrata Chatterjee, Ld. APP  
Ms. Amrita Panja Moulick ... for the State.

Mr. D.N. Ray  
Mr. Rajesh Kumar Shah  
... for the respondent nos.9 and 10.

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

*‘(b) A writ in nature of Habeas Corpus directing the investigating agency to produce the body of Sreema Roy in the court of law;’*

Mr. Chatterjee, learned advocate appearing for the petitioner submits that the petitioner’s wife, namely, Sreema Roy (in short, Sreema) contested the panchayat election held on 8<sup>th</sup> July, 2023 and was elected as a candidate belonging to CPI(M). Since then she was being threatened by the members of the ruling political party under the leadership of one Madhusudhan Mondal (in short, Madhusudhan) and one Kutubuddin Molla (in short, Kutubuddin). As such, the petitioner left her residence and went to Puri and was residing there, however, she maintained contact with her family

members. Thereafter, Madhusudhan and Kutubuddin forced the petitioner to lodge a complaint on 25<sup>th</sup> July, 2023 stating, *inter alia*, that his wife was missing. Thereafter, Sreema was brought to the police station on 29<sup>th</sup> July, 2023. Subsequent thereto, Sreema was forcibly detained by Madhusudhan and Kutubuddin. However, she managed to escape from such confinement and submitted a representation to the respondent no.8 on 13<sup>th</sup> July, 2023 narrating all the facts. However, no steps were taken by the police authorities and as such, the petitioner was constrained to approach this Court.

Mr. Debabrata Chatterjee, learned advocate appearing for the State, however, denies and disputes the contention of the petitioner and submits that on the basis of the petitioner's complaint, Mathurapur Police Station Case No.175/2023 dated 27<sup>th</sup> July, 2023 under Section 363/365 of IPC was registered and in course of investigation, the complainant was examined. Sreema was recovered from Puri and she also filed a written declaration on 5<sup>th</sup> August, 2023 before the respondent no.8 stating, *inter alia*, that she had neither been kidnapped nor had been forcibly detained. The investigating officer has filed a report before this Court annexing the said declaration dated 5<sup>th</sup> August, 2023. Let the same be kept on record.

Sreema is personally present before this Court today

along with the petitioner, whom Mr. Chatterjee is representing. Mr. Chatterjee submits that Sreema is ready and willing to record her 164 statement of the Code but appropriate steps have not been taken by the police authorities.

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

Sreema is personally present before this Court today along with her husband and she submits that she is presently residing with her husband at her matrimonial house.

In the said conspectus and as we do not find any material on record to infer that Sreema has been illegally detained, no further interference is called for in the present *habeas corpus* petition and the same is, accordingly, disposed of.

Nothing herein shall, however, prevent the petitioner from initiating proceedings before any other Court or forum seeking appropriate relief, 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.)**