

WPA 20602 of 2023

Rabin Majhi @ Nabin Majhi
-vs-
The State of West Bengal & ors.

Mr. K. Bhattacharyya
Mr. Subhas Chandra Dutta
...for the petitioner

Mr. Ashim Kr. Ganguly
Mr. Jyotsna Roy Mukherjee
...for the State

Affidavit of service filed on behalf of the petitioner is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The private respondents had earlier abducted the petitioner's wife. The police recovered the victim. But, the victim stated that she had voluntarily left the petitioner to stay with the said private respondent as his wife. She has been abducted again. A complaint was made by the petitioner, but no steps have been taken by the police.

Learned counsel appearing on behalf of the State relies on a report, which is taken on record and submits as follows. On the earlier complaint by the petitioner, the police recovered the victim girl. But the victim girl made a statement that she had eloped with the respondent no.7 to live with him as his wife. The second complaint could end up in the same result.

As the complaint made out a cognizable case, let the police register an FIR and investigate the same in spite of an apprehension that the result may actually be the same. After recovery of the victim, a statement of the victim shall be recorded before a learned Magistrate under Section 164 of the Code. Thereafter, the police shall take the matter to its logical conclusion by filing an appropriate report.

With these observations, the writ petition is disposed of.

Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)