

WPA (H) 68 of 2022

(Lakshmikanta Mondal Vs. The State of
West Bengal & Ors.)

Mr. Haradhan Mondal
Mr. Rajesh Agarwal

..... For the petitioner

Mr. Sabir Ahamed
Mr. Simanta Kabir

..... For the State

Mr. Mondal, learned advocate appearing for the petitioner submits that the petitioner's son, namely, Ranjit Mondal (in short, Ranjit), presently aged about 43 years, was suffering from mental illness and was being treated upon admission at Lumbini Park Mental Hospital (in short, LPMH). As his condition deteriorated, he was sent to Chittaranjan National Medical College & Hospital (in short, CNMC) and was admitted there on 2nd September, 2021. Such fact was brought to the notice of the petitioner only when he went to meet his son at LPMH on 7th September, 2021. Upon receipt of such information, the petitioner visited CNMC when he was informed that his son was missing on and from 5th September, 2021. The petitioner immediately informed such fact to the concerned police station on 7th September, 2021. Such information was diarized. However, as no steps were taken by the State authorities to recover Ranjit, the petitioner was constrained to approach this Court.

Records reveal that by an earlier order, this Court directed the Superintendent, CNMC to file a report detailing the steps taken on the basis of the petitioner's complaint and informing as to whether any enquiry has been conducted fixing the responsibility towards missing of the petitioner's son from CNMC. Pursuant to such direction, a report of the Superintendent, CNMC dated 17th April, 2023 has been placed before this Court. Let the same be kept on record.

From the said report it appears that an enquiry committee was constituted and the nurses, the staff and the security personnel were interrogated. In the said report it has, *inter alia*, been stated that Ranjit was admitted on 2nd September, 2021 under Unit-IV of the Department of General Medicine with history of haematemesis and was treated by several doctors. On 4th September, 2021 in the morning round it was found that the patient was haemodynamically stable. However, the patient was not found in his bed in the evening. The nurse on duty immediately informed such fact to her superiors as well as to the security personnel. Such fact was also reported to the Officer-in-Charge of Beniapukur Police Station. Upon enquiry, the committee arrived at a finding that the patient had absconded from the hospital due to the negligence of duty on the part of the security personnel posted at the said ward on 4th September, 2021.

Mr. Ahamed, learned advocate appearing for the State respondents submits, upon instruction, that the committee has already issued recommendation for removal of the said security personnel.

He further submits that the information furnished by the petitioner was diarized and the investigating officer checked the missing portal and other relevant portals maintained by the Missing Person Squad, DD, Lalbazar. A look out notice was also circulated at prominent places but unfortunately Ranjit had yet not been recovered.

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

It appears that Ranjit is aged about 43 years and is suffering from mental illness. He was initially admitted at LPMH and thereafter shifted to CNMC. However, he went missing from CNMC on and from 4th September, 2021. The petitioner's complaint had been diarized and steps have been taken by the police authorities to ascertain the whereabouts of Ranjit and that such investigation is still continuing. It further appears that pursuant to the direction of this Court an enquiry committee was constituted by the CNMC authorities and upon enquiry responsibility has also been fixed.

In the said conspectus and as we do not find any material on record to infer that Ranjit had been

illegally detained, no further interference is called for in the present application.

The *habeas corpus* petition being **WPA (H) 68 of 2022** is, accordingly, disposed of.

Needless to observe, the police authorities shall continue with the investigation and take all necessary steps to ascertain the whereabouts of the petitioner's son.

It is made clear that nothing in this order will prevent the petitioner from taking necessary steps before any other forum, if so advised and in accordance with law.

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.)