

**CALCUTTA HIGH COURT
IN THE CIRUIT BENCH AT JALPAIGURI**

04.09.2023
Court No.01
rpan/01

WPA (H) 4 of 2023

Rahul Roy

– *Versus* –

The State of West Bengal & Others

Mr. Jagriti Mishra,
Mr. Debayan Goswami,
Ms. Nrinmayee Das
... for the Petitioner.

Mr. Jayjit Choudhury, Ld. AAG.
Mr. Hirak Barman
... for the State/Respondents.

The present writ petition was preferred primarily praying for the following relief:

“ b) A Writ/Writs, order/orders, and/or directions in the nature of *Habeas Corpus* directing the men/agents/subordinates of the concerned authorities to produce the body or *corpus* of the parents of Your Petitioner namely Amar Kumar Roy and Purnima Roy in the Court of Law.”

We have heard Mr. Mishra, learned advocate appearing for the petitioner and Mr. Choudhury, learned Additional Advocate-General appearing for the State/respondents.

Let the affidavit-in-opposition filed on behalf of the State/respondents be kept on record.

Records reveal that in an order dated 8th August, 2023 a co-ordinate Bench of this Court

arrived at a finding that *‘A shelter is sought to be taken by the learned Additional Advocate General that the father on 4th August, 2023 has written a letter to the Superintendent of Police, Jalpaiguri narrating the incident, which would indicate that the father is not under any detention.’* By the said order the Hon’ble Court also directed *‘the Police Administration to produce the mother of the petitioner before this Court on 9th August, 2023 at 10.30 a.m.’*

Pursuant to such direction, it appears that the mother was produced before the Hon’ble Court on 9th August, 2023 and she stated that *‘she is living in her relative’s house and intends to go to her house tomorrow’* and that *‘She does not indicate any apprehension as she considered herself and her family members to be safe in the relative’s house’*.

From the above sequence of facts, it, thus, appears that neither the father nor the mother of the petitioner has been illegally detained.

In view thereof, the present habeas corpus petition, being WPA (H) 4 of 2023 is dismissed.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Lapita Banerji, J.)

(Tapabrata Chakraborty, J.)