

29.09.2023.
Item no. 3.
Court No. 1
ap

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE*

W.P.A.(H) No. 5 of 2023

Mojammel Hoque
Versus
The State of West Bengal & Ors.

Mr. Nripen Das,
Mr. Debanjan Das.

..For the petitioner.

Mr. Subir Kumar Saha, AGP,
Mr. Momenur Rahman.

...For the State.

Mr. Arjun Chowdhury,
Mr. Pratusha Dutta Chowdhury,
Ms. Riya Agarwal.

...For the respondent nos.5 to 7.

1. Pursuant to the order dated 25th September, 2023, Mekhliganj Police Station has submitted a report dated 27th September, 2023. It appears therefrom that there is clearly a private dispute between the petitioner and the private respondents in connection with two trucks leased out to the petitioner on 14th July, 2023 was subsequently withdrawn upon mutual settlement.

2. The private respondents are stated to have kidnapped again.

3. This court has serious reservations in accepting the contentions of the Counsel for the petitioner that the petitioner's brother is missing. This Court's mind

is not free from doubt that the petitioner is aware of the whereabouts of his son.

4. Be that as it may, since a second complaint dated 9th September, 2023 has been annexed to the supplementary affidavit filed in Court, let Mekhliganj Police Station cause necessary investigation into the said complaint after registration of an FIR and submit final report to the jurisdictional Magistrate within a period of three weeks from date mandatorily and positively.

5. In the facts and circumstances of this case, this Court is of the view that a writ of habeas corpus is not warranted.

6. The petitioner shall co-operate in the investigation of the second FIR being Mekhliganj Police Station Case No. 306 of 2023 dated 16th September, 2023 as will the private respondents in respect of the missing brother of the petitioner.

7. With the aforesaid directions, the instant writ petition shall stand disposed of.

8. There will be no order as to costs.

9. Urgent certified website copy of this order, if applied for, be made available to the petitioner upon compliance with the requisite formalities.

(Rajasekhar Mantha, J.)

(Supratim Bhattacharya, J.)

