

21.08.2024
Item No.3
Daily List
Ct. No.26
CHC
(disposed of)

WPA(H) 63 of 2024

**Saddam Hossain
Vs.
The State of West Bengal & ors.**

Mr. Simanta Kabir, Advocate
Mr. Avik Pramanick, Advocate
....for the petitioner

Mr. Rana Mukherjee, Ld. A.P.P.
Ms. Munmun Ganguly, Advocate
...for the State respondents

1. Habeas Corpus Writ Petition is taken up for consideration subsequent to the order dated August 7, 2024.

2. State submits a report which be taken on record.

3. Writ petitioner as the husband complained that, his wife went missing on July 25, 2024. A missing diary was lodged. Police was not taking steps with regard thereto.

4. Wife of the petitioner stands recovered by the police. She recorded a statement under Section 183 of the BNSS in which she stated that, there are matrimonial disputes between her and the writ petitioner and that, she went away voluntarily.

5. A writ of Habeas Corpus is not maintainable in respect of any and every missing person. Essential jurisdictional fact requiring invocation by the

jurisdiction of a writ of Habeas Corpus is lacking in writ petition.

6. In view of the stand of the writ petitioner and in view of him invoking a writ of Habeas Corpus wantonly, we deem it appropriate to impose cost upon the writ petitioner.

7. Writ petitioner will pay costs assessed at Rs.10,000/- (Rupees Ten Thousand) to the West Bengal State Legal Services Authorities, Kolkata within seven days from date and submit documentary evidence of payment of such costs with the District Magistrate, Purba Bardhaman within whose jurisdiction he is residing. In default, the District Magistrate, Purba Bardhaman will initiate proceeding for recovery of the same as arrears of land revenue.

8. WPA(H) 63 of 2024 is **disposed of** accordingly.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)