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Court no. 14
04.01.2024
D.Hira

W.P.A. 29218 of 2023

Tapan Kumar Mridha
-versus
The State of West Bengal & Ors.

Mr. Anupam Kumar Bhattacharya,
Mr. Dr. B.P. Dutta,
Mr. Dilip Kumar Mandal,
Mr. Mritunjay Saha,
Mr. Srijit Halder.
... for the petitioner

Mr. Sailendranath Chakraborty,
Mr. Neelam Singh.
... for the State

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The thirteen years old daughter of the petitioner was abducted by the private respondent no. 10 in July, 2023. All the private respondents started threatening and intimating the petitioner. The private respondent no. 2 is the booth president of the local political party in part. This emboldened the private respondents to do so and the police took no steps. After about a month from the date of incident the victim girl was recovered and handed over to the petitioner. Thereafter, she was abducted again.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. On the complaint of the petitioner about the kidnapping of his minor daughter in July, 2023, an FIR was registered under Sections 363, 365 and 34 of the Indian Penal Code. The girl was recovered on 21.07.2023 from Sardarpara Ghat Area. The victim refused to undergo medical examination. Her statement was recorded under Section 164 of the Code. She was sent to a care home. An FIR name accused

surrendered before the Trial Court and were released on bail. After completion of investigation a final report was submitted on 02.08.2023. Again on 16.12.2023 the petitioner came up with an allegation that her minor daughter was again kidnapped by the respondent nos. 10 to 12 on 14.12.2023. Accordingly, Hemnagar Coastal PS case no. 54 dated 16.02.2023 was registered under Section 363, 365 and 34 of the Indian Penal Code. On 29.12.2023 the police could recover the victim, but the accused managed to flee. The victim was taken to a child home for safe custody and the petitioner was urged to be present before the Basirhat hospital for victim's medical examination. But, the petitioner refused to cooperate or turn up at the hospital. He even refused to accept notice. The hospital Superintendent recorded the victim's statement. The victim refused to undergo medical examination and a further statement under Section 164 of the Code was recorded. He was thereafter sent a care home for safe custody. Investigation into the case is going on. However, local enquiry did not support the contention of the petitioner that he was assaulted by the private respondents. The police is keeping a close watch on the developments in the locality.

It appears that the police taken all possible steps in not only the victim girl but also arranging for her safe custody.

The petitioner is to cooperate with the investigation of the case.

Although the enquiry by the police did not reveal that the petitioner was assaulted as claimed, he shall be at liberty to take further steps in this regard in accordance with law. .

The police authorities shall keep a vigil at the locale and ensure that no breach of peace takes place. The surveillance shall include frequent visits by the police patrol.

With these observations, the writ petition is disposed of.

All parties are directed to act on a server copy of this order, duly downloaded from the official website of this Hon'ble Court.

(Jay Sengupta, J.)