

26.11.2024
Sl. No.1
s.biswas

**Calcutta High Court
In The Circuit Bench at Jalpaiguri**

WPA (H) 4 of 2024

Laxman Sarkar
vs.
The State of West Bengal and others

Mr. Bikramaditya Ghosh	
Mr. Bikash Singha	
	... for the petitioner
Mr. Subir Kumar Saha, AGP	
Mr. Momenur Rahman	
	... for the State
Mr. Anirban Banerjee	
Mr. Tapabrata Ghosh	
	... for the private respondents

1. Perused the report filed by the learned Additional Government Pleader. This court is of the view that an application for a writ of habeas corpus may not be maintainable on the facts and circumstances as urged by Mr. Ghosh, learned advocate appearing for the petitioner. However, this court finds that an investigation into the allegations made by the petitioner who has a suspicion and a reason to believe that his sister was murdered and her body was disposed of, is necessary.
2. Mr. Ghosh submits that although the respondent nos.5 to 9 being the husband and in-laws of the missing lady, lodged a missing diary in the concerned police station, based on which a Missing Person Case No.138 of 2024 dated July

6, 2024 was started, the police authorities have not recovered his sister. The police ought to have investigated into the allegations lodged by the family of the missing lady.

3. The report filed before us by the learned Additional Government Pleader does not indicate that substantial progress has been made even in respect of the missing person's case. This court is of the view that as the lady is still missing and the enquiry pursuant to the GDE No.312 dated July 6, 2024 lodged by the husband of the missing lady has not yielded any result, the police authorities must initiate an investigation on the basis of the complaint made by the petitioner.
4. Under such circumstances, the writ petition is disposed of with a direction upon the concerned jurisdictional police station to take steps on the basis of the complaint filed by the petitioner and investigate into the matter on an urgent basis.
5. Needless to mention that, this court has not made any observation on the allegations and counter-allegations of the parties. The truth should be unveiled by the investigating agency. The investigation shall be reached to its logical conclusion. The concerned Superintendent of Police will monitor the investigation.

6. The writ petition stands disposed of accordingly.
7. All the parties shall act on the basis of the server copy of the order.

(Partha Sarathi Chatterjee, J.) (Shampa Sarkar, J.)