

20.08.2025
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WPA (H) 43 of 2025
Alamgir Mallick
- Versus -
The State of West Bengal & Others

Mr. Samrat Das
...for the Petitioner.

Mr. Rana Mukherjee,
Mr. Simanta Kabir
... for the State/Respondents.

Mr. Das, learned advocate appearing for the petitioner submits that the petitioner's son, namely, Md. Sain Mallik (in short, Sain), who is aged about 18 years, went missing on and from 27th November, 2024 and accordingly, a missing diary was lodged on 27th November, 2024. Thereafter, the petitioner started receiving phone calls demanding ransom. A complaint to that effect was lodged by the petitioner which was registered as Bishnupur Police Station Case no. 1185/2024 dated 3rd December, 2024 under Sections 137(2)/140(2)/140(3) of BNS. However, proper investigation was not being conducted by the police authorities and as such, the petitioner was constrained to approach this Court.

When the matter last appeared on 16th July, 2025, we directed the investigating officer to file a report as regards the steps taken in the matter.

Pursuant to such direction, a report has been filed today. Let the same be kept on record.

Mr. Mukherjee, learned Additional Public Prosecutor appearing for the State/respondents submits that in course of investigation it was found that Sain was studying in Class – XII in the academic session 2024-25 at Pir Tala High School and he received financial assistance to purchase tablet computer/smart mobile phone. The petitioner's bank statement would reveal that an amount of Rs.10,000/- was duly credited to the account of Sain on 4th October, 2024.

He further submits that to ascertain the whereabouts of Sain, a police team was constituted and it proceeded to Goa. Thereafter raids were conducted at various places and it was found that Sain was working at private concern, namely, '*Centre of Air Technical Service*', owned by one Mukrim Sk. The said owner was examined and relevant documents concerning the employment of Sain were seized wherefrom it was found that he was working in the said concern for the period from 14th September, 2024 to 14th November, 2024 and thereafter, he left and that as such he could not be recovered. However, investigation is still continuing.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

A writ in the nature of *habeas corpus* is a prerogative writ by virtue of which the causes and validity of detention of a person are investigated by a summary procedure. This Court in exercise of its jurisdiction, however, cannot usurp the ordinary administration of criminal justice.

It appears that Sain is major and he left his residence after receiving an amount of Rs. 10,000/- as financial assistance from the State. From the records produced by the investigating officer, it appears that Sain took up a job in a private concern in Goa where he worked for the period from 14th September, 2024 to 14th November, 2024.

In such circumstances, it does not appear that Sain is under illegal detention and in view thereof, no further interference is call for in the present writ petition.

However, the investigating agency shall conduct the investigation in a fair manner and conclude the same at an early date.

Nothing in this order shall prevent the petitioner from initiating appropriate proceedings before any other forum, seeking reliefs, in accordance with law.

With the above observations, the writ petition is disposed of.

Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Reetobroto Kumar Mitra, J.) (Tapabrata Chakraborty, J.)