

06.08.2025

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WPA (H) 52 of 2025

Tayeb Ali Halder

- Versus -

State of West Bengal & Others

Mr. Omar Faruk Gazi,
Ms. Ayasha Najrin
...for the Petitioner.

Mr. Kishore Datta, Ld. A.G.,
Ms. Sumita Shaw,
Mr. Soumen Chatterjee
... for the State/Respondents.

Records reveal that the writ petition was filed by Tayeb Ali Halder (in short, Tayeb) alleging *inter alia* that his father, namely, Mahashin Halder (in short, Mahashin) went missing on and from 21st May, 2025 and accordingly, Tayeb's mother, namely, Tanuja Bibi Halder (in short, Tanuja) lodged a complaint on 24th May, 2025 and the same was registered as FIR No.240 dated 24th May, 2025. It was further alleged that subsequent thereto proper investigation had not been conducted by the police authorities.

Upon hearing Mr. Gazi, learned advocate appearing for the petitioner and Ms. Shaw, learned advocate appearing for the State/respondents, we directed the police authorities to make a sincere endeavour to recover Tayeb's father, by an order dated 23rd July, 2025.

Today, Ms. Shaw submits that on 4th August, 2025 Tayeb again lodged a complaint alleging that he was suspecting Tanuja and one Habibullah Khan (in short, Habibullah) to be involved in the matter. The same was registered as FIR no.354 of 2025 dated 4th August, 2025. In course of investigation, Tanuja appeared before the concerned investigating officer on 4th August, 2025 itself and confessed before the concerned investigating officer that she and Habibullah had jointly conspired and murdered Mahashin. On the basis of such statement, further investigation was conducted and the dead body of Mahashin was recovered on the self-same date i.e. on 4th August, 2025. Let the written instruction, as furnished, be kept 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.

In the present case, the writ petition was filed alleging that Mahashin was missing and in course of investigation, it had been ascertained that he had been murdered and his dead body had also been recovered.

In view thereof, no further interference is called for in the present writ petition and the same is, accordingly, dismissed.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

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