

10.09.2025
Item No.04
Court No.11
KCP

WPA (H) 54 of 2025

**Kashmira Bewa
- Versus -
The State of West Bengal & Ors.**

Mr. Partha Sarathi Mondal.
...for the Petitioner.

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

Mr. Abdur Rakib,
Mr. Somnath Adhikary.
...for the Respondent Nos.5-7

The present writ petition has been preferred *inter alia* praying for issuance of necessary direction upon the respondents to produce the petitioner's son before this Court.

Mr. Mondal, learned advocate appearing for the petitioner submits that the petitioner's son, who is presently aged about 40 years was abducted by the respondent no.5 and her associates, being the respondent nos.6 and 7 and had been illegally detained till date. She is unaware of the whereabouts of her son. Stating such facts, a formal complaint was lodged and on the basis of the same Berhampore P.S. case No.193/2025 dated 08/01/2025 under section 140(3)/324(4)/352/351(3)/3(5) BNS was initiated. However, appropriate steps were not taken by the police authorities and the petitioner's son was not recovered.

Aggrieved thereby, the petitioner had been constrained to approach this Court.

Mr. Rakib, learned advocate appearing for the respondent nos.5, 6 and 7 submits that the marriage of the petitioner's son with the respondent no.5 was solemnized in the year 2004. Subsequent thereto, there was a matrimonial dispute and as such the respondent no.5 was constrained to leave her matrimonial house along with her three children. Her two sons are presently aged about 20 years and 16 years respectively and her daughter is aged about 18 years.

He further contends that upon dissolution of marriage, the respondent no.5 entered into a new matrimonial relationship in the month of September, 2016. Presently, the said respondent no.5 along with her three sons and daughter are residing at 55, Nilmani Bhattachariya Lane, Post Office – Khagra, Police Station – Berhampore, District – Murshidabad.

Ms. Shaw, learned advocate appearing for the State respondents submits that the police authorities have registered a formal case on the basis of the complaint lodged by the petitioner and investigation in the same is still continuing.

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

From the averments made in the writ petition it appears that in connection with the criminal proceeding

initiated on the basis of the complaint lodged by the petitioner, the respondent no.5 was initially arrested and subsequently she was enlarged on bail on 5th February, 2005. The other respondent nos.6 and 7 surrendered before the jurisdictional Court and were enlarged on bail.

The petitioner's son is an adult person aged about 40 years and we do not find any material to infer that he has been illegally detained.

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 ordinary administration of criminal justice.

In the said conspectus, no further interference is called for in the present writ petition and the same is, accordingly, disposed of.

Needless to observe, nothing in this order shall prevent the appellant from initiating appropriate proceedings before any other forum, seeking reliefs, in accordance with law.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

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