

10.09.2025
Item No.02
Court No.11
Avijit Mitra

WPA (H) 96 of 2024

Madhuri Shit
-versus-
The State of West Bengal & ors.

Mr. Supratick Syamal,
Ms. Manisha Nath
....for the Petitioner

Mr. Debabrata Chatterjee, Sr. Standing Counsel
Mr. Simanta Kabir
...for the State

The present writ petition has been preferred *inter alia* praying for issuance of a writ of *habeas corpus* for the production of the daughter of the petitioner before this Court.

Mr. Shyamal, learned advocate appearing for the petitioner submits that the petitioner's daughter, who is presently aged about 43 years, went missing on and from 9th December, 2024. Such fact was intimated to the police authorities and on the basis of the complaint lodged, Sonarpur Police Station Case No.1673 of 2024 dated 19th December, 2024 under Sections 137(2) and 140(3) BNS was registered. Subsequent thereto, appropriate steps were not taken by the police authorities and the petitioner's daughter was not recovered. Aggrieved thereby, the petitioner had to approach this Court.

He further submits that in spite of earlier directions issued by a coordinate Bench of this Court proper steps have not been taken by the respondents and they have failed to discharge their obligations.

Mr. Kabir, learned advocate appearing for the State submits that the allegations levelled against the police authorities are unfounded inasmuch as immediately after the complaint was lodged, formal case was registered and investigation commenced but in spite of their best endeavour, the missing lady could not be recovered till date. Let the status report, as filed, be kept on record.

We have heard the learned advocates appearing for the respective parties and considered the materials on record including the status report, as filed on behalf of the State respondents.

From the status report it appears that a requisition seeking information was sent to various probable police stations and photograph of the missing lady was also posted on the notice boards at Sonarpur GRPS, Jadavpur GRPS, Ballygunge GRPS and Baruipur GRPS. The Investigating Officer had also conducted raids at various places, as detailed in the report, to recover the lady. Requisition was also sent through police station's *gmail* to various welfare and health departments but in vain.

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.

From the averments made in the writ petition it appear that the missing lady was suffering from schizophrenia for a prolonged period and was being treated at ANTRA (Psychiatric Hospital & Rehabilitation Centre), Dakshin Gobindapur, Kolkata-700145. She is presently 43 years of age. The police authorities appear to have made a sincere endeavour to ascertain the whereabouts of the missing lady and such investigation is still continuing.

In such circumstances, no further interference is not called for in the present writ petition more so when, this Court cannot convert itself into a monitoring agency and supervise the investigation, as being conducted by the police authorities.

Needless to observe, the police authorities shall conduct the investigation in a fair and impartial manner and bring the same to its logical conclusion, as expeditiously as possible.

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

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

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

Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties.

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