

Item No.1
11.09.2025
Court. No. 1
SP

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

WPA(H)/5/2025

NANI BARUI ALIAS NANI BARAI ALIAS
NANIBALA BARUI
VS
THE STATE OF WEST BENGAL AND ORS

Mr. Uday Sankar Sarkar, Adv.

... for the petitioner.

Mr. Nabankur Paul, Adv.

Ms. Bedashruti Bose, Adv.

. . for the State.

Mr. Jaydeep Kanta Bhowmik, Adv.

Mr. Sayantan Bhowmik, Adv.

Mr. Shubham Kumar, Adv.

Ms. Sayantani Das, Adv.

. . for the respondent no.5

1. The petitioner is primarily aggrieved by the inaction on the part of the police authorities to trace out the victim. According to the petitioner, who is the mother of the victim, the husband had kidnapped the victim and illegally detained her. An investigation was conducted and charge sheet has been submitted against the husband. The trial is likely to commence.
2. The husband was in custody for 60 days and granted statutory bail. The victim could not be recovered from the husband's

house. This Court is of the view that a writ of habeas corpus will not lie in the facts and circumstances of this case. The police investigation has not revealed that the victim is in the custody of the husband.

3. However, the Court was apprehensive about the whereabouts of the victim and as such had directed the Superintendent of Police, Jalpaiguri to constitute a special investigating team for the purpose of recovering the victim.
4. Such team has been constituted. Report has been filed before us which gives the details of the actions taken by the police. A copy of the report be handed over to the appellant's learned advocate. The intensity with which the investigation is going on shall continue and shall be regularly monitored by the Superintendent of Police who is the head of the Special Investigating Team.
5. This Court hopes and trusts that the investigation will yield its necessary result.
6. We have also gone through the contents of the report, but we do not wish to make any observations in this order, at this stage, as the trial may be prejudiced. We are

satisfied that, this is not a case where a writ of habeas corpus can be issued.

7. The application is disposed of, leaving it open to the petitioner to avail of any other remedy under the law. If the petitioner is aggrieved with the investigation or the progress thereof, necessary steps may be taken before the appropriate forum.

(Shampa Sarkar, J.)

(Prasenjit Biswas, J.)