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10.06.2026  
S.D.  
Ct. No. 37  
Bench Id  
266046

**WPA (H)/34/2024**

**Asma Bibi Middya (Baoa)  
Vs.  
State of West Bengal & Ors.  
With  
CAN 1 of 2025**

Mr. Pawan Kumar Gupta  
Mr. Abhrajit Roy Chowdhury  
Mr. D. Banerji

....For the Petitioner

Mr. Arindam Jana  
Mr. Yuvraj Chatterjee  
Mr. Rahul Surtani  
Mr. Saikat Guin

...For the Op Nos. 6 to 11

Writ petition relates to the daughter of the writ petitioner who went missing in November 2003.

Missing diary was lodged on November 6, 2003 at the Baruipur Police Station. In the complaint made by the petitioner, it was alleged that missing person married the respondent no. 6.

On the basis of the complaint of the writ petitioner, Baruipur Police Station Case No. 185/03 dated November 6, 2003 was registered under Section 363/366/34 of the IPC.

In the police case emanating out of the Baruipur Police Station Case No. 185/03 dated

November 6, 2003 initially learned Trial Judge found that charges could not be framed against some of the accused. High Court set aside such decision. Ultimately, the Hon'ble Supreme Court concurred with the view taken by the learned Trial Judge.

Court is informed that there is a juvenile involved and that proceeding before the Juvenile Justice Court is pending.

Victim is yet to be recovered.

A period in excess of 23 years elapsed from the date when it is alleged that the victim went missing till date.

Status report submitted on behalf of the State dated June 8, 2026 be taken on record.

Status report details the steps taken by the police in trying to locate the victim.

Learned advocate appearing for the writ petitioner draws the attention of the Court to paragraph 46 of the status report dated February 13, 2026.

Paragraph 46 of such report relates to a skeleton which was recovered.

An unnatural death case being Baruipur Police Station Case No. 134/03 dated December 6, 2003 was registered. First Enquiry Officer in respect of

such UD case expired. Second Enquiry Officer of such UD case interviewed all the three Investigating Officers of Baruipur Police Station Case No. 185/03 where none of them stated that the writ petitioner or any witness informed such Investigating Officer that the missing girl died, nor did anyone claimed that the skeleton recovered belonged to the missing person.

It appears from the report that the writ petitioner in her complaint to the police stated that the missing person was wearing a churidar while the skeleton was found with a green saree.

Learned advocate appearing for the petitioner submits that the investigations were not carried out effectively. He contends that there is foul play on the part of the Investigating Agency.

Allegations in this regard are not supported by any materials on record.

Be that as it may, the petitioner may avail of her remedies before the appropriate forum, in accordance with law, in respect of the allegations of misconduct of investigations.

As on date, police despite their efforts are not in a position to locate the missing person.

As noted above, a period of 23 years elapsed from the date the person was missing.

In such circumstances, no further order need be passed in the present writ petition.

W.P.A. (H)/34 of 2024 and the connected application being CAN 1 of 2025, are, therefore, disposed of.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**