

HIGH COURT OF TRIPURA
AGARTALA

WP(C) 324 of 2024

Amulya Bhattacharjee

---Petitioner(s)

Versus

The State of Tripura and 4 Others.

---Respondent(s)

along with

WP(C) 348 of 2024

Smt. Smriti Majumder,

---Petitioner(s)

Versus

The State of Tripura and 4 Others.

---Respondent(s)

For Petitioner(s)	:	Mr. P. Roy Barman, Sr. Advocate. Mr. S. Bhattacharjee, Advocate. Mr. K. Chakraborty, Advocate.
For Respondent(s)	:	Mr. S.S. Dey, learned Advocate General Mr. Kohinoor N. Bhattacharjee, GA. Mr. Raju Datta, PP.
Date of hearing and date of judgment and order	:	11.07.2024
Whether fit for reporting	:	Yes

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Judgment & Order (Oral)

Heard Mr. P Roy Barman, learned senior counsel assisted by Mr. S. Bhattacharjee, learned counsel for the petitioners also heard Mr. Raju Datta, learned PP and Mr. Kohinoor N. Bhattacharjee, learned GA for the state-respondents.

[2] Since these matters pertain to the similar facts and circumstances, these writ petitions have been clubbed together for passing of common judgment and order.

WP(C) 324 of 2024

[3] In this petition filed under Article 226 of the Constitution of India, the petitioner has sought for the following relief(s):

- (i) *Issue Rule, calling upon the Respondents and each one of them, to show cause as to why a Writ of Certiorari and/or in the nature thereof, shall not be issued, directing them, to transmit the records, lying with them, for rendering substantive and conscionable justice to the Petitioner;*

- (ii) *Issue Rule, calling upon the Respondents and each one of them, to show cause as to why a Writ of Mandamus and/or in the nature thereof, shall not be issued, mandating/directing them, to cause effective investigation, in connection with the Missing Diary bearing No. 16 dated 05.02.2024, lodged by the Petitioner, before the Officer-In-Charge, West Agartala Women Police Station, Agartala, West Tripura, and to take prompt and appropriate step/action to trace out the missing daughter of the Petitioner;*
- (iii) *Issue Rule, calling upon the Respondents and each one of them, to show cause as to why a Writ of Mandamus and/or in the nature thereof, shall not be issued, mandating/directing them, in the alternative to direct the Superintendent of Police, CID (Crime) (Respondent No.4 herein) to cause effective investigation, in connection with the Missing Diary bearing No. 16 dated 05.02.2024, lodged by the Petitioner;*
- (iv) *(Call for the records, appertaining to this Writ Petition;*
- (v) *After hearing the parties, be pleased to make the Rule absolute in terms of (i) to (iii) above;*
- (vi) *Costs of and incidental to this proceeding*
- (vii) *Any other Relief(s) as to this Hon'ble High Court may deem fit and proper;*

WP(C) 348 of 2024

[4] In this petition filed under Article 226 of the Constitution of India, the petitioner has sought for the following relief(s):

- (i) *Issue Rule upon the Respondents to show cause as to why a Writ of Mandamus and/or in the nature thereof, shall not be issued, directing them, to cause effective investigation, in connection with the Missing Diary bearing GDE No. 15, dated 16.01.2020, lodged by the Petitioner and her Daughter- in-law, before the Officer-In-Charge, Ramnagar Out-Post, Agartala, West Tripura, and to take prompt and appropriate action to trace out the missing son of the Petitioner,*
- (ii) *Issue Rule upon the Respondents and each one of them, to show cause as to why a Writ of Mandamus and/or in the nature thereof, shall not be issued, directing the Superintendent of Police, CID (Crime) (Respondent No.4 herein) to cause effective investigation, in connection with the Missing Diary bearing No. 15, dated, 16.01.2020, lodged by the Petitioner to trace out the missing son of the Petitioner.*
- (iii) *Call for the records,*
- (iv) *Make the rules absolute.*
- (v) *Pass any further Order/Orders as this Hon'ble High Court considered fit and proper.*

[5] It is seen from the record that on 04.02.2024, the daughter of the petitioner (in WP(C)324 of 2024), namely, Smt. Ankita Bhattacharjee @ Ninni (aged about 32 years), suffering from a severe brain disorder viz. Hydrocephalus went missing from her residence. In failing to trace out his daughter, the petitioner lodged a Missing Diary No.16 dated 05.02.2024, before the Officer-In- Charge, West Agartala Women Police Station, Agartala, West Tripura. Noticing that there was no effort on the part of the concerned police authority to trace out his daughter, the petitioner submitted a prayer dated

20.02.2024, before the Officer-In-Charge, West Agartala Women Police Station, for expediting the search operation. Getting no fruitful result, the petitioner approached before the Superintendent of Police, West Tripura, by submitting a representation dated 09.04.2024. But, the same also did not yield any result. Hence, the petitioner has approached this court for seeking relief(s).

[6] Another petitioner (in WP(C) 348 in 2024) has filed the instant writ petition for directing the respondents to cause effective investigation, in connection with the Missing Diary bearing GDE No. 15, dated 16.01.2020, lodged by the petitioner and her Daughter-in-law, before the Officer-In-Charge, Ramnagar Out-Post, Agartala, West Tripura, and to take prompt and appropriate action to trace out the missing son of the Petitioner i.e., Sri Abhijit Majumder, who went missing since 13.01.2020.

[7] The learned senior counsel for the petitioners on the last occasion has suggested certain steps for ensuring effective, speedy and accountable investigation for locating the missing persons by way of filing an additional affidavit along with the writ petition. On receipt of such affidavit, this court also sought suggestion from the learned Government Advocate to come up with any sort of suggestion which will not only assist this court to deal with the present case in hand but also make some guidelines to deal with these kind of issues in the future in the state of Tripura.

[8] Today when the matter is called up, it is represented by the learned Government Advocate as well as by the learned Public Prosecutor that the suggestions given by the learned senior counsel for the petitioners can be considered. Moreover, Mr. S. S. Dey, learned Advocate General, in course of the argument, has also submitted before this court that the police department is ready to extend all possible assistance to trace out the missing persons.

[9] Having considered the submission as advanced by the learned counsel for the parties and also having perused the record, this Court is of the opinion that in the

present case in hand we are dealing with the human life regardless of its gender. Any missing person is a human first and then a boy or a girl. To trace out the missing persons, the police department of the State needs to play a vital role. They cannot be expected to delay with matter when the life of missing persons is at stake. Since the matter has come up before the High Court under Article 226 of the Constitution of India, it becomes imperative on our part to deal with the case and extend some respite to the distressed families.

[10] In view of the above discussion, both these writ petitions are disposed of with the following directions:

- A. *Publish photographs of the missing person in the Newspapers, telecast them on television & social media promptly and photographs of the missing person shall be given wide publicity at all the prominent outlets of the city/town/village/last known residence of the missing person concerned, and at the railway stations, inter-state bus terminal points, hospitals, airports, regional passport office, through law enforcement personnel at border checkpoints and circulate the handbills/poster along with photographs of missing persons and the place of circulation. This should be done promptly in any case, not later than one week of the receipt of the complaint. In case of a minor/major girl, such photographs shall not be published without the written consent of the parents/guardian.*
- B. *Make inquiries and contact with family member of missing person, relatives of family, neighbors, school teachers, office colleagues, last known persons including friends of the missing person, place of work, colleagues, acquaintances, lodges/, dharmasala, Nariniketan, mortuaries in hospital, placement of agencies, NGOs, Principal, Class Teacher of missing persons and if the missing person is employed anywhere, then to contact the most recent employer and his/her colleagues at the place of employment and record their statements. Search area and spots of interest such as movie theatres, shopping malls, parks, game parlours and areas where missing person should be identified. Equally all the clues from the papers and belongings of the missing person should be promptly investigated.*
- C. *Any previous history of going missing and scrutinize the missing person's computer, cell phone, diaries with the consent of the families.*
- D. *Inquiries should be made from the hospital, if any, of unidentified persons in the hospital.*
- E. *Investigating Officer should always be in the rank of Inspector of Police.*
- F. *Make necessary inquiries whether there has/have been any past incident(s)/reports of violence in the family and follow up to ensure that records requested from the parents/guardians/family members are obtained and examined them for clues.*

- G. Hospitals and mortuaries are to be searched immediately after receiving the complaint, not more than 7(seven) days from the receipt of complaint.
- H. The reward for furnishing clues about missing person should be announced within a month of his/her disappearance and prepare a sufficient number of Hue and Cry Notices containing photographs and physical description to be sent for publication within a month.
- I. The concerned Police Commissioner or the DIG/IG of the State Police would find out the feasibility of establishing a multi-task force for locating the girl children/women/ missing persons.
- J. Immediately after registering the Case (Missing, kidnapped, deserter, wanted, escaped, unidentified person, unidentified dead body), wireless messages should be sent to the District Superintendents of Police by the Investigating Officer and submit a Report about the progress of the investigation to the Director General of Police by the Superintendent of Police of the concerned District until recovery/finding of the missing person, and Communicate the said Report to the parents/guardians/ family members of the missing person every 15 days. .
- K. DNA Profiling of unidentified Dead bodies are to be tallied with the DNA of the missing person and in all cases of recovery of unidentified dead bodies, the police officials concerned, be it the Local Police or the Railway Police Officials, shall be made to contact the nearest Medical College/Hospital, for the purpose of collecting viscera samples from such unidentified dead bodies so that the same can be preserved for DNA comparison/analysis, as & when required.
- L. Issue "Certificate of Missing" of the Missing Person by the concerned authority, i.e., the DM & Collector of the concerned District, if after all diligent efforts for 6(six) months since of complaint regarding the missing person, as aforesaid, the Missing Persons could not be traced out for. If the missing person remains untraced for four months, such cases shall be transferred to Integrated Anti Human Trafficking Unit (IAHTU) for further investigation.

[11] In view of the above, the Secretary, Home Affairs, Government of Tripura, is directed forthwith to issue the standing operative procedure in respect of the missing persons (child, man and woman) accordingly and ensure that the said guidelines are followed by the State Police Force.

[12] With the said observation and direction, both the writ petitions stand disposed of. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stands closed.

JUDGE