

GAHC010276752025



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : W.P.(Crl.)/83/2025

SRI BHAKTI PRASAD SONOWAL
S/O- LATE PUNA RAM SONOWAL, R/O- FLAT NO 3B, BHANU ENCLAVE,
AJANTA PATH SURVEY, PS- HATIGAON, PO- BELTOLA, GUWAHATI- 781028,
DISTRICT- KAMRUP (M), ASSAM, PH NO 8826788504

VERSUS

SMTI. OSHIMA CHOUDHURY AND 4 ORS
D/O LATE KANAK CHOUDHURY, R/O C/O -SRI RONJEEV DAS, H NO 1, HEM
ENCLAVE, LACHIT NAGAR, BYE LANE NO 5, PS- PALTAN BAZAR, PO-
ULUBARI, GUWAHATI- 781007, DIST- KAMRUP (M), ASSAM, PH NO
9205819651

2:DIRECTOR GENERAL OF POLICE DGP
ASSAM POLICE HEAD QUARTERS
ADDRESS- DR BK KAKATI RD
OPPOSITE HDFC BANK
ULUBARI
GUWAHATI
DISTRICT- KAMRUP (M)
ASSAM

3:COMMISSIONER OF POLICE
NERIPSTR
(NORTH EASTERN REGIONAL INSTITUTE PARLIAMENTARY STUDIES
TRAINING AND RESEARCH) BUILDING
KHANAPARA
NEAR SCIENCE MUSEUM
GUWAHATI 781022

4:OFFICER IN CHARGE
HATIGAON POLICE STATION

GUWAHATI
DISTRICT- KAMRUP (M)
ASSAM

5:OFFICER IN CHARGE
OF PALTAN BAZAR POLICE STATION
GUWAHATI
DIST KAMRUP (M)
ASSA

Advocate for the Petitioner : MR. A K BHUYAN, P BHOWMICK,MS. J SAIKIA,MS R DAS

Advocate for the Respondent : GA, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

22.01.2026

(K.R. Surana, J)

Heard Ms. B. Bhuyan, learned senior counsel assisted by Ms. R. Das, learned counsel for the petitioner as well as Mr. P. Sarma, learned Addl. Senior Govt. Advocate.

2. The petitioner is the father of a minor child (name not disclosed to protect the identity) who is 11 years of age. Owing to a matrimonial dispute with the respondent, the respondent has been staying separately.

3. The said minor child was studying in Kendriya Vidyalaya, Khanapara. However, as per the petitioner, the said minor son of the parties has not been attending school since 10.09.2025. It is also submitted by the learned senior counsel for the petitioner that various orders have been passed from time to time by the Family Court allowing visitation rights of the petitioner to meet the

child and that initially the said request was complied with, but thereafter the respondent has defaulted. It is also stated that in the meantime a decree of divorce has been granted by the Family Court on 18.05.2022 and the petitioner has transferred the maintenance expenses to the respondent's bank account. Several attempts were made for continuous comprehensive evaluation of the said minor child, but the child did not attend and in the meantime, the petitioner applied for guardianship. However, the said guardianship petition was dismissed. However, the visitation right was affirmed by order dated 01.06.2024 passed by the learned Principal Judge, Family Court, Kamrup (Metro), Guwahati. She has also stated that initially because of the orders passed by this Court, the minor child was handed over to the petitioner. However, on 22.09.2025, on the ground that the mother of the petitioner had died and they were under bereavement and at that time, the respondent forcibly took away the minor child with her and since then the respondent and the minor child have been missing. It is also submitted that from time to time this Court had also passed orders towards visitation rights of the petitioner to his minor child, which were not complied with and thereafter contempt petitions were filed by the petitioner which is registered as Contempt Case (C) No.5/2025 and Contempt Case (C) No.526/2025. However, the orders passed for the custody of the child were not complied with. However, despite orders of the learned Family Court and this Court, instead of complying with the orders of visitation and custody, the respondent and the minor child have both gone missing and despite an FIR regarding the respondent and the child missing being lodged before the Officer-in-Charge of Paltan Bazar Police Station, the child has not been traced out. Accordingly the present *habeas corpus* petition has been filed by the petitioner, the ex-husband of the divorced respondent and has prayed for the production of

his minor child aged 11 years before this Court and for other consequential orders.

4. This Court while issuing notice by order dated 12.12.2025, directed the Officer-in-Charge of Paltan Bazar Police Station to trace out the respondent no.1, namely, Smt. Oshima Choudhury, as well as the minor son of the parties.

5. The learned Addl. Senior Govt. Advocate has produced copies of the two police report by the Officer-in-Charge of Hatigaon Police Station as well as Officer-in-Charge of Paltan Bazar Police Station, *inter-alia* stating that the mobile phone of the respondent remained switched off and that through the call details records, no concrete clue could be obtained of the respondent and the minor child. Similarly, the Officer-in-Charge of Paltan Bazar Police Station has given the details of the steps taken by stating that she was not available at the permanent address, but at her father's address and previous rental addresses at Silpukhri and Chandmari and moreover the child was not found attending the school. A CDR analysis was carried out through three mobile numbers used by the respondent, but none of the said mobile numbers were found active after 12.10.2025. It is also reported that the bank account of the respondent was verified and it was found that there was no transaction after 24.09.2025 and that no bank account could be found linked with the Income Tax Permanent Account Number of the respondent. Accordingly, the said authority has circulated the photograph of the respondent amongst all the Officers-in-Charge in the State of Assam to enable them to trace her out if available in their respective jurisdiction.

6. A photocopy of the said two police reports has been provided to the learned senior counsel for the petitioner, and copies handed over to the Court are made a part of the record.

7. At this stage, the learned senior counsel for the petitioner has submitted that the petitioner be allowed to reserve his right to make a prayer for handing over the investigation of the case to the CBI or CID. The said right being already available, no order of the Court is required.

8. Thus, despite steps taken for investigation and the steps taken by the Officer-in-Charge of two Police Stations, the respondent and the minor son of the parties could not be located.

9. Under the circumstances, the Court is inclined to provide that at the cost of the petitioner, the appropriate police authorities would issue a lookout notice for the respondent and the minor child of the parties at major Railway Stations and Airports and to also insert lookout notice/ advertisement in Telegraph, Asomiya Pratidin and Times of India and also in Electronic media. The police authority would indicate to the petitioner about the cost so as to enable the petitioner to make arrangement for the same.

10. On the next date, the Officer-in-Charge of Paltan Bazar Police Station and the Officer-in-Charge of Hatigaon Police Station shall submit a report to the Court through the learned Addl. Senior Govt. Advocate.

11. List the matter on 17.02.2026.

JUDGE

JUDGE

Comparing Assistant