

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CRIMINAL APPLICATION (HABEAS CORPUS) NO.
7706 of 2024

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ISHAKBHAI MUSABHAI PATADIYA

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR MOHDDANISH M BAREJIA(10612) for the Applicant(s) No. 1

MR. CHINTAN DAVE, ADDL. PUBLIC PROSECUTOR for the
Respondent(s) No. 1

RULE SERVED for the Respondent(s) No. 2,3,4

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CORAM: HONOURABLE MR. JUSTICE N.S. SANJAY GOWDA

and

HONOURABLE MR. JUSTICE D. M. VYAS

Date : 06/01/2026

ORAL ORDER

(PER : HONOURABLE MR. JUSTICE N.S. SANJAY GOWDA)

1. This petition is filed by Ishakbhai Musabhai Patadiya, contending that his son namely Imran (Respondent No.4 - corpus) has been missing since 03.05.2024 and despite a complaint being lodged to the Police, appropriate action has not been taken to trace his whereabouts.
2. An affidavit-in-reply has been filed by the Police Inspector, AHTU, Mehsana. In this affidavit, it is stated that during the investigation of the complaint, serious efforts were undertaken to trace the corpus. It is stated that banners were prepared, advertisements were published asking for clues about the whereabouts of the corpus. Further, the search was made at

GIDC area as well as by nearby districts, but no clue was received regarding the whereabouts of the corpus. It is stated that the entire police machinery was utilized to trace the whereabouts and every effort was made to trace the corpus.

3. It is also stated that the corpus was using 16 SIM cards and the call details of these cards were analyzed but no clue came out by virtue of this analysis. It is stated that the corpus was possessing a truck driving license and was in touch with many agencies and travel agents and if there was any details forthcoming from these persons, police would have taken action to trace him but the police have not received any useful information from the contacts of the corpus. In short, it is stated that every effort has been made to trace the corpus but the corpus has not been traced despite three teams having been constituted for this purpose.
4. In our view, since there is no specific allegation that the corpus is or has been illegally confined by any authority, strictly speaking, the present habeas corpus petition would not be maintainable. However, since the police are investigating the matter, it would be appropriate to direct the police to continue the investigation to trace the whereabouts of the Respondent No. 4 (corpus). If the petitioner secures any information regarding the whereabouts of the Respondent No.4, he is at liberty to inform the police, and the police thereafter take immediate action to trace the whereabouts of the Respondent No.4.
5. As stated above, since there is nothing on record to establish

that the Respondent No.4 is in illegal confinement, this petition cannot be entertained. Consequently, this petition is dismissed subject to the directions issued to the police as stated above.

(N.S.SANJAY GOWDA,J)

(D. M. VYAS, J)

Mehul Desai

Original copy of this order has been signed by the Hon'ble Judges.
Digitally signed by: MEHULKUMAR BHIMABHAI DESAI(HCD0075), ENGLISH STENOGRAPHER GRADE TWO CLASS TWO, at High Court of Gujarat on 06/01/2026 18:07:06