

JPD-08
Ct No.07
11.06.2026
TN

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

WPA (H) 2 of 2026

Md. Kamrul Hasan
Vs.
The State of West Bengal and others

Mr. Kumar Shantanu,
Mr. Taiab Sahadat,
Ms. Nikita Paul

.... for the petitioner

Mr. Jagriti Mishra, Ld. AAAG,
Ms. Rajni Singh Dev

.... for the State

1. Learned counsel for the petitioner submits that the petitioner's wife Smt. Kiran Kumari Swarnakar was forcibly taken from him by his in-laws and that she has been unlawfully detained by them.
2. It is submitted that the backdrop of the case is communal in nature. The petitioner, it is submitted, is a Muslim by faith whereas his wife is a Hindu. Due to such reason, the marriage between the parties was not accepted well by the in-laws of the petitioner and they tried to incite communal tension, leading to the unlawful detention of the petitioner's wife by the said in-laws with the active cooperation of the Police.
3. In support of the last above contention, learned counsel for the petitioner submits that when

learned counsel contacted the Officer-in-Charge of the concerned police station over the phone, he was threatened by the Officer-in-Charge. By placing reliance on the handwritten inscription on the written complaint, it is submitted that the Officer-in-Charge himself took the phone number of learned counsel and put it underneath his name, which was also written by the Officer-in-Charge himself on the complaint.

4. Learned counsel submits that pen drives have been filed along with the writ petition which contain video recordings indicating that the wife of the petitioner has been forcibly detained and the entire background of the case will also be evident from the said video recordings.
5. Learned AAAG, appearing for the State, vehemently opposes the Habeas Corpus petition and submits that the contents of the pen drives, which is electronic/digital evidence, cannot be looked into in the absence of compliance of necessary formalities under the Bharatiya Sakshya Adhiniyam (BSA).
6. Secondly, learned AAAG contends that a Habeas Corpus petition is not maintainable to canvass matrimonial disputes. The appropriate remedy would be available at best under the relevant provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS).

7. Learned AAAG also controverts the allegations made otherwise by the petitioner.
8. Be that as it may, unless the wife of the petitioner is produced before us, it would not be clear to the Court as to the circumstances leading to her parting with the petitioner.
9. Accordingly, the Officer-in-Charge of the Kharibari Police Station, being the respondent no.4 herein, is directed to ensure that Smt. Kiran Kumari Swarnakar, the wife of the petitioner, is personally produced in chambers before us on June 15, 2026 at 01:30 p.m, preferably by a lady police officer. During the entire process of production, appropriate dignity of the said Smt. Swarnakar shall be maintained.
10. The matter be listed next on June 16, 2026 at the top for further orders.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)