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**(2025) 12 GUJ CK 0008**

**Gujarat High Court**

**Case No:** R/Special Criminal Application (Habeas Corpus) No. 14961 Of 2024

Motilal Hosaji Meghwal

APPELLANT

Vs

State Of Gujarat & Ors

RESPONDENT

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**Date of Decision:** Dec. 11, 2025

**Hon'ble Judges:** N.S.Sanjay Gowda, J; D. M. Vyas, J

**Bench:** Division Bench

**Advocate:** Kevalsinh B Rathod, Amit R Joshi, Harivadan Mishra, Pranav Dhagat

**Final Decision:** Disposed Of

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### **Judgement**

N.S.Sanjay Gowda, J

1. The petitioner has filed this petition to direct the police to secure and produce before this Court shis brother i.e. Naresh Hosaram Meghwal, aged 23 years as on the date when he got missing.

2. It is the case of the petitioner that his brother had gone missing since 26.10.2024 and despite a complaint being lodged to the police, he has not been traced. The allegations are also made that the employer of the petitioners brother and his co-employees could be responsible and could have detained the petitioners brother.

3. The Sub Inspector of the concerned police station has filed an affidavit, in which he has stated that the elaborate steps were taken in investigating the complaint. It is forthcoming from this affidavit that the persons who are alleged to have detained the petitioners brother were interrogated thoroughly and the CCTV footage installed at the employers company were also examined and it was found that the petitioners brother had left the premise and had not returned.

4. The affidavit also indicates that the employer and the co-employees were not involved in missing of the petitioners brother and they were also subjected to SDS test and the same also turned out to be negative. It is also stated that the

petitioners brother had abandoned his telephone in the employer's factory and the same had been sent to the Forensic laboratory but the laboratory could not unlock the phone as there was a pattern lock which the brother of the petitioner was using.

5. In short, every steps were taken to investigate and trace the corpus, but the corpus could not be traced. This therefore, results in a conclusion that the petitioners brother has gone missing and the habeas corpus petition could not lie. The petition is therefore, CLOSED.

6. However, the police are directed to pursue the investigation on the complaint filed by the petitioner and as and when they find any leads regarding the brother of the petitioner, they should inform the petitioner. Also, if the petitioner finds any leads regarding his brother, he should also inform the police and the police should act upon the same.