

Dd 2 23.07.2026

[Bench Id:266439]

In The High Court At Calcutta
Constitutional Writ Jurisdiction

WPA(H)/43/2026

**SARADA SWAMI
VS
THE STATE OF WEST BENGAL AND ORS.**

*Mr. Subhadeep Chatterjee,
Ms. Arpita Kundu,
Mr. Bithin Mandal,
Mr. Nilabha Roy, Advocate
... ... For the Petitioner*

*Mr. Dibasish Basu, AGP
Ms. Sneha Dutta,
Mr. Purnendu Das, Advocate
... ... For the State*

1. We are dealing with a writ petition of habeas corpus. Mother is before us seeking custody of the child.
2. In this writ petition, the Court passed an order on May 19, 2026 after noticing that the child in question was in the custody of the Child Welfare Committee, Chinsurah. The Court also noticed that, the writ petitioner as the mother made a representation to the concerned CWC for the custody of the child. Such representation was yet to be decided. Therefore, the Court directed the concerned CWC to decide the same.
3. Decision not being taken by the CWC, the Court directed communication of the order by the CWC.
4. On July 14, 2026, State was directed to ensure the presence of the Chairperson, CWC in Court.

5. On July 20, 2026, we insisted on compliance or the orders passed by this Court from time.
6. On July 22, 2026, we were informed that, the custody of the child was made over to the writ petitioner as the mother. On such date, we were informed that, the child was an eye-witness of the murder of the father of the child.
7. Consequently, we required the State to produce the case diary relating to the murder of the father of the child.
8. Case diary of the murder of the father of the child is produced in Court today. We requested the learned Additional Government Pleader to draw our attention to any statements recorded in the case diary where, the child in question is involved in the murder of the father of the child as witness to that crime.
9. Answer of the learned Additional Government Pleader to such query is in the negative. He, however, draws our attention to two statements recorded under Section 183 of the BNSS, 2023. We perused those two statements recorded under Section 183 of the BNSS, 2023. We do not find that such statements impinge upon the child concerned as an witness to the crime.
10. In such circumstances, since, custody of the child stands made over by the CWC to the mother on July 21, 2026, we are not minded to pass any further order in this habeas corpus writ petition.
11. **WPA(H)/43/2026** is accordingly **disposed of**.

[Debangsu Basak, J.]

[Ajay Kumar Gupta, J.]