

28.07.21

Court No.30
rpan /11

W.P.A. (H) No. 49 of 2021

In re: An application under Article 226 of the Constitution of India;

And

In re: **Jayasish Pramanik**

- Versus -

State of West Bengal & Ors.

Mr. Chinmoy Pal,

Mr. Sourov Mondal

... for the Petitioner.

Mr. Rana Mukherjee,

Mr. Debabrata Chatterjee,

Md. Sabir Ahmed

... for the State.

The present *habeas corpus* petitioner has been preferred by the petitioner *inter alia* praying for issuance of necessary direction upon the respondents to recover his wife and his minor son.

Mr. Pal, learned advocate appearing for the petitioner submits that the petitioner married one Sanjana Singh (in short, Sanjana) on 9th October, 2009. A male child was born out of the said wedlock on 31st May, 2013. The petitioner along with his wife and child were residing at his in laws' house. On 5th October, 2020, the petitioner left for his native place. Surprisingly, on and from 12th July, 2021 his wife and son went missing. A complaint to that effect was lodged before the respondent no.7 on 16th July, 2021. However, the police authorities did not take any step towards recovery of his wife and son. Aggrieved thereby, the petitioner has approached this Court.

Mr. Mukherjee, learned advocate appearing for the State categorically denies the allegations as levelled

against the police authorities and submits that on the basis of the petitioner's complaint an enquiry was conducted and it was found that the petitioner along with his wife and son were residing in the parental house of Sanjana at 2, Ahiri Pukur, 1st Lane, Beck Bagan, P. S. – Karaya, Kolkata – 700 019. Due to a matrimonial dispute the petitioner left the said house in the month of January, 2019. On 17th July, 2021 Sanjana met with the respondent no.7 and stated that her husband was not residing with them since the month of January, 2019 and due to water logging problem she along with her son and her ailing father are presently residing in a rented house at 143/129, Picnic Garden Road, Kolkata – 700 039. A representation to that effect was also filed by Sanjana before the respondent no.7 on 27th July, 2021. Let the documents, as produced by Mr. Mukherjee, be kept on record. Copies of the same have been handed over to Mr. Pal in Court today.

Having heard the learned advocates appearing for the respective parties and considering the materials on record it appears that there was a matrimonial dispute between the petitioner and Sanjana and presently Sanjana along with her son is residing at 143/129, Picnic Garden Road, Kolkata – 700 039. In view thereof, it cannot be urged by the petitioner that Sanjana and his child had been illegally detained.

In view thereof, no interference is called for in the present writ petition and the same is, accordingly, dismissed.

There shall, however, be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Subhasis Dasgupta, J.) (Tapabrata Chakraborty, J.)