

AD. 12.
January 4, 2021.
MNS.

W. P. A. 9597 of 2020
(**Via video conference**)

Krishna Das
Vs.
The State of West Bengal and others

Mr. Prosenjit Mukherjee,
Mr. Tirthankar Mukherjee,
Ms. Madhurima Sarkar,
Mr. Anjan Dutta,
Ms. Saptarshi Chakraborty

... for the petitioner.

Mr. Partha Pratim Roy,
Mr. Ayan Banerjee

...for the respondent-authorities.

Affidavit-of-service filed in Court today be
taken on record.

Learned counsel for the petitioner submits
that the petitioner, as well as her husband, the
respondent no. 8, have lodged complaints with
the police authorities regarding their daughter
going missing.

It is further submitted that subsequently
the child, now aged above 17 years, was
recovered from a 'home' and given to the custody
of respondent no. 8, the father of the child.

However, subsequently the child went
missing again. The petitioner now complains that

the police authorities are not assisting the petitioner to have access to her daughter.

Learned counsel appearing for the respondent-authorities submits that the said minor is now in a 'home' and applications are pending at the behest of both the petitioner and the respondent no. 8, for having custody of the child, before the Chief Judicial Magistrate, North – 24 Parganas, Barasat.

In the above scenario, the police cannot be said to have any authority to give access to either the petitioner or the respondent no. 8 without any order of a competent court, as the minor was produced before the Child Welfare Committee, North- 24 Parganas, Barasat.

Accordingly, W. P. A. 9597 of 2020 is disposed of by granting leave to the petitioner as well as the respondent no. 8 to assert their rights regarding custody of their minor daughter before the Chief Judicial Magistrate, North- 24 Parganas, Barasat, where the issue regarding the recovery of the child by the Child Welfare Committee is now pending. The Magistrate shall decide such applications, if filed, without being prejudiced in any manner by any of the

observations made herein, as expeditiously as the business of the said court permits.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)