

Form J(2)

**IN THE HIGH COURT AT CALCUTTA
Criminal Appellate Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

CRR 2010 of 2022

**Ratna Bose
-Vs.-
The State of West Bengal**

For the petitioner: Mr. Pinak Mitra

For the State : Mrs. Sujata Das

Item No.09.

Heard & Judgment on: 22.06.2022

Bibek Chaudhuri, J.

Since a very short point is involved in the revision, the matter is taken up for final hearing.

Mrs. Sujata Das, learned P.P.-in-charge is requested to assist the Court on behalf of the State. A copy of the revisional application has been served to Mrs. Das.

On the allegation that during minority of the victim girl she was ravished by the accused persons, Chinsurah Police Station Case No.287 of 2021 dated 9th July, 2021 under Sections 363/365/366 of the Indian Penal Code as well as under Sections 4 and 6 of the Protection of Children from Sexual Offences Act and Sections 4/5/6 of the Immoral Traffic (Prevention) Act, 1956 was registered against the accused persons. On completion of investigation police submitted charge sheet which gave rise to S.C.(SPL) No.30 of 2021.

After recovery of the victim girl she was sent to Chandannagore Prabartak Seva Niketan Home. In the meantime, the victim girl attained majority. The mother filed an application with birth certificate of the victim girl for her custody. The learned trial Judge called for a report from the Child Welfare Committee, Hooghly and the Investigating Officer vide order dated 21st May, 2022. Next date was fixed on 1st June, 2022. However, no report was filed either by C.W.C., Hooghly or the Investigating Officer of the case. The learned trial Judge vide order dated 1st June, 2022 again fixed 4th July, 2022 for production of the victim girl and report from the C.W.C., Hooghly as well as the Investigating Officer.

It is needless to say that if the victim girl attains majority, she cannot be kept in a children's home. If the victim girl desires to stay with her mother, she may be sent under the custody and care of her

mother, petitioner herein. When the birth certificate has been filed in the trial Court I do not find as to why the report of C.W.C., Hooghly is required.

However, when the trial Court fixed 4th July, 2022 as the next date, the Court below is directed to dispose of the application filed by the petitioner for custody of her daughter who has attained majority on the basis of the birth certificate submitted by the mother. In this regard the desire of the victim girl should be taken as a paramount consideration.

With the above direction, the instant criminal revision is disposed of.

The petitioner is at liberty to communicate this order to the Court below obtaining server copy of the order.

(Bibek Chaudhuri, J.)