

WPA (H) 58 of 2022

(Arnab Pramanick Vs. The State of
West Bengal & Ors.)

Mr. Arnab Pramanick

.... Petitioner (in person)

Mr. Debabrata Chatterjee

Mr. Simanta Kabir

.... For the State

The present writ petition has been preferred
primarily praying for the following relief:-

‘To issue a writ in the nature of Habeas Corpus directing the respondents Authorities to recover and produce the wife with two children of the petitioner namely (1) Pallabi Pramanick (Kayal), (2) Raju Sardar and (3) Ankita Bhui before this Hon’ble Court forthwith.’

Mr. Arnab Pramanick (in short, Arnab), the writ petitioner, appears in person and submits that he socially married the respondent no. 12, namely, Pallabi Pramanick (Kayal) (in short, Pallabi) on 1st January, 2022 as per the Hindu rites and customs. Pallabi earlier married one Kartick Sardar and out of the said wedlock, a male child, namely, Raju Sardar (in short, Raju) was born and Raju is presently aged about 8 years 3 months. Subsequently, Pallabi again married one Tinkar Bhui and out of such relationship, a female child, namely, Ankita Bhui (in short, Ankita) was born and Ankita is presently aged about 1 year 5 months. According to Arnab, both the said marriages are void.

After marriage, Arnab wanted to adopt Raju and Ankita. Accordingly, he along with Pallabi and the two minor children met with the Chairperson of Child Welfare Committee (in short, CWC) on 4th April, 2022 and executed necessary documents for such adoption. However, the CWC authorities neither did consider his prayer for adoption nor did they allow Pallabi and her children to return with him. According to Arnab, his wife and children had been illegally detained by the CWC authorities. A complaint to that effect was lodged by him, followed by two applications under the Right to Information Act, 2005. However, no reply was furnished. Having no other option, Arnab had to approach this Court.

Per contra, Mr. Kabir, learned advocate appearing for the State submits that Pallabi herself submitted a written complaint before the police authorities stating, *inter alia*, that she had been tortured and sexually assaulted on repeated occasions by Arnab. A complaint to that effect was lodged by Pallabi on 7th June, 2022. The same was treated as FIR and registered being Baruipur Police Station Case No. 64 of 2022 dated 7th June, 2022 under Sections 376/344/323 of the Indian Penal Code and Arnab was arrested. Subsequently, he obtained bail on 19th July, 2022.

Mr. Kabir submits, upon instruction, that after obtaining bail, Arnab started disturbing Pallabi and even went to the extent of threatening the Chairperson

of CWC, who had acted in strict consonance with the statutory provisions.

Answering our query, Mr. Kabir submits that Raju is presently in Baruipur Sitakundu Sneh Kunja, a home operating under the supervision of CWC and that Ankita was initially handed over to a home, namely, Nava Jeevan Saa, Kolkata, which is also under the supervision of CWC. Subsequently, Ankita was handed over to Pallabi and they are presently residing at Mahila Seva Samity, Kolkata. In support of such contention, Mr. Kabir has drawn our attention to several documents, as produced. Let the same be kept on record.

A writ in the nature of *Habeas Corpus* is a prerogative writ by virtue of which the causes and validity of detention of a person are investigated by a summary procedure. In exercise of its extra-ordinary jurisdiction, this Court cannot usurp the ordinary administration of criminal justice. Pallabi herself is not willing to reside with Arnab and the criminal proceedings initiated on the basis of her complaint is still continuing. She had also submitted representations before the CWC authorities stating that she is under a constant threat and she along with her children are unsafe. Raju is presently residing at Baruipur Sitakundu Sneh Kunja. Pallavi and Ankita are presently residing at Mahila Seva Samity, Kolkata. We do not find any material on record to infer that

Pallabi and her children had been illegally detained by the CWC authorities.

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

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

It is made clear that in the event the CWC authorities are disturbed by Arnab, they would be at liberty to take appropriate steps against him.

It is also made clear that the State authorities would be at liberty to take steps for cancellation of the petitioner's bail in the event he threatens or disturbs Pallabi and/or her children in any manner whatsoever or obstructs the criminal proceedings which has been initiated against him.

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

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)