

WPA (H) 64 of 2022

(Sutanu Dutta Vs. State of West Bengal & Ors.)

**Mr. Sabir Ahmed
Ms. Ameena Kabir**

.... For the petitioner

**Mr. Debabrata Chatterjee
Mr. Nirjhar Nath**

.... For the State

Mr. Manik Lal Poddar

**.... For the respondent
no. 4**

Mr. Ahmed, learned advocate appearing for the petitioner submits that the petitioner married the respondent no. 4 on 10th May, 2006 and since then they were residing at AE-356, Salt Lake City, Sector-I, Kolkata – 700 064, P.S.- Bidhan Nagar North, 24-Parganas (North). The couple was blessed with a male child on 21st April, 2016, who is presently six years old and is studying in Garden High School, Salt Lake City, Kolkata. Surprisingly, on 21st October, 2022, the respondent no. 4 along with her child left her matrimonial house on a pretext that she wants to visit her uncle's place. Subsequent thereto, the respondent no. 4 did not return to her matrimonial house and the petitioner is in the dark about their whereabouts. The child is missing his classes and the petitioner has been deprived of his child's company. Such facts were intimated to the police authorities but in vain.

Aggrieved thereby, the petitioner has approached this Court.

Mr. Chatterjee, learned advocate appearing for the State denies the allegations levelled against the police authorities and submits that there are matrimonial disputes between the parties. Let the report, as submitted by Mr. Chatterjee, be kept on record.

Mr. Poddar, learned advocate appearing for the respondent no. 4 disputes the contention of Mr. Ahmed and submits that the respondent no. 4 along with her child is residing in a rented flat at Modello High Tower – 2, 4B EM Bypass, Kamalgazi, Kolkata – 700 103.

He submits, upon instruction, that the respondent no. 4 had not debarred her husband from visiting the child in the said rented flat and/or from having conversation with the child over phone. Answering our query, he submits that the child is attending his school regularly.

In view of such submissions, the writ petition is disposed of observing that the petitioner would be at liberty to meet with his child on every Sunday in the flat at Modello High Tower – 2, 4B EM Bypass, Kamalgazi, Kolkata – 700 103 for the period from 4.00 p.m. to 6 p.m. The petitioner would also be at liberty to have conversation with his child over mobile phone on every Monday, Wednesday and Friday for the period from 8.00 p.m. to 8.30 p.m.

It is, however, made clear that the above observations shall be subject to any order that may be passed in custody proceedings, if initiated before the appropriate forum by either of the parties.

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.)