

24.02.2023
Court No.13
Item No.14
AP

WPA 4376 of 2023

Jitendra Kumar Prajapati
Vs.
The State of West Bengal and Ors.

Ms. Rupoma Bhattacharya
Mr. Niraj Kumar Singh

... For the petitioner.

The petitioner complains that the respondent No.7 is his lawfully wedded wife and is being restrained by the respondent No.8, father of the respondent No.7, from meeting the petitioner.

Inspector-in-Charge, Purulia (Town) Police Station, Purulia has filed a report dated 23rd February, 2023, which is taken on record.

It appears from the report that the respondent No.7 was 16 years old at that point of time and the petitioner was 32 years old.

The police have registered a FIR against the writ petitioner, which has resulted in a charge sheet under Sections 363 & 365 of the IPC and Section 4 of the POCSO Act.

The respondent No.7 was recovered and sent to Juvenile Home and subsequently handed over to the respondent No.8 father of the respondent No.7.

This Court is of the view that the person, who is absconding, must surrender first and participate in the investigation and trial before seeking any remedy under Article 226 of the Constitution of India.

In that view of the matter, no relief can be granted to the petitioner.

Accordingly, the writ petition shall stand disposed of.

There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)