

23.03.2023
Item No.11
Court No.13.
AB

WPA No. 6204 of 2023

**Utpal Ghosh
Vs
The Union of India & Others**

Mr. Abhinaba Dan,
Mr. Arkaprobho Roy ...for the Petitioner.

Mr. Amal Kr. Sen,
Mr. Jaladhi Das for the State.

Mr. S. N. Duttafor the Respondent Nos.1-3.

The private respondent has been served. There is no appearance on her behalf. Affidavit filed on behalf of the petitioner is taken on record.

The writ petitioner has obtained a post doctoral research fellowship for a period of one year in the Department of Chemical and Physical Sciences at the University of Toronto located at 27 King's College Cir, Toronto, Canada.

For acts and omissions in course of his marriage with the private respondent, Bankura Women Police Station registered first information report no.128 of 2022 dated 16.10.22. It appears that charge sheet no.145 of 2022 dated 30.11.2022 under Sections 498A/406 323/506/34 of the IPC and Sections 3/ 4 of the D. P. Act has been filed against the petitioner. The charge sheet is pending committal.

Counsel for the writ petitioner submits that his client has a very bright future and the pending proceedings against him would seriously jeopardize his education and career.

The petitioner applied for a passport and got the same from the Regional Passport Authority at Calcutta. When he applied for a visa from Canadian High Commission to pursue the said post doctoral fellowship, the West Bengal Police had submitted an adverse report in view of the pendency of the aforesaid criminal proceedings against him.

The petitioner has filed an undertaking in the supplementary affidavit to the effect that he will appear before the Chief Judicial Magistrate on April 4, 2023 when the matter is fixed next. He has also undertaken to appear before the CJM and/or the Court where the charge sheet shall be tried, every four months.

The petitioner also undertakes to comply strictly with any order that will be passed by any statutory authorities particularly the Courts under the Domestic Violence Act and/or any Court or Authority dealing with any right of maintenance of the private respondent.

The petitioner shall deposit a sum of Rs.5 Lacs with the concerned CJM, inter alia, to secure the undertaking as above and also for the purpose of use any monetary liability that may arise in course of legal

proceedings, either pending or that may be instituted by the private respondent. The CJM may invest the same in an interest bearing account and apply the proceeds thereof, as directed hereinabove.

The petitioner may file a formal undertaking on the aforesaid lines before the CJM concerned forthwith.

The petitioner further undertakes before this Court not to apply for citizenship of any other country, during the subsistence and pendency of the criminal proceedings and other civil proceedings that may arise in future from the private respondents or the State.

Subject to the above, the police shall communicate their “No Objection” to the issuance of a Visa for the period of the petitioner’s post doctoral research fellowship in Canada. The satisfaction of the conditions of this order shall be ascertained by the Police. The police are requested to act in the matter with necessary urgency.

WPA No.6204 of 2023 stands, accordingly, disposed of.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

