

D/L9
17.04.2023
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C.R.R.1315 of 2021

In Re: An application under Section 401 read with under Section 482 of the Code of Criminal Procedure, 1973;

Sri Avijit Kumar Ghosh @ Avijit Ghosh
Versus
Smt. Sayani Ghosh nee Roy and others

Mr. Asit Bhattacharya,
Mr. Goutam Sardar,
Ms. Mousumi Biswas,
Mr. Goutam Malik,,
Ms. Shikha P. Chowdhury,
Mr. Sourav Mitra.
...for the petitioner.

Mr. Arijit Ganguly,
Mr. Avik Ghatak.
...for the State.

Affidavit-of-service so filed be kept with the record.

Mr. Arijit Ganguly, learned advocate appearing for the State submits a report of the Inspector-in-Charge, Baruipur Women Police Station. Report reflects that the child is in the custody of the father. Let the report be kept with the record.

The initiation of the MP case is questionable. However, the same was initiated at the instance of the mother of the child. The learned sessions court in Criminal Revision No.12 of 2019 did not accede to the prayer advanced by the present petitioner.

Petitioner being aggrieved by the same approached this Court.

I do not find any illegality in the order passed by the

learned Additional Sessions Judge, Baruipur, South 24 Parganas in Criminal Revision No.12 of 2019. However, the ground reality is that the girl child, namely, Archisha Ghosh is in the custody of the father, who is the petitioner.

Petitioner is directed to approach the civil court which is pending for adjudication under the relevant provision of law for custody of the child. If the civil court is satisfied within a period of six months from date, the father/petitioner would be in a position to retain the child. In the alternative, the law will take its own course particularly with regard to the fact that the child happens to be a girl child.

The Inspector-in-Charge, Baruipur Women Police Station would monitor regarding the custody of the child and file a compliance report before the learned Additional Chief Judicial Magistrate, Baruipur, South 24 Parganas on 24th November, 2023.

With the aforesaid observations, CRR 1315 of 2021 is disposed of.

Pending application, if any, is consequently disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)

