

15.9.2023

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WPA 12672 of 2023

Pratima Jana
Vs
The State of West Bengal & Ors.

Mr. Bapin Baidya
... For the Petitioner.

Mr. Amal Kumar Sen,
Mrs. Ashima Das(Sil)
... For the State.

Heard learned Advocates appearing for the parties.

This writ petition has been filed by an unfortunate mother whose minor girl child was missing since February, 2023, and who has been recovered by the West Bengal Police from the State of Haryana on 2nd March, 2023, but till date parents could not get the custody of their daughter who is at present in Digambarpur Angikar Home (Amar Bari), Post Office: Digambarpur, Police Station: Dholahat, District- South 24 Parganas/respondent No.4.

Mr. Sen, learned Advocate appearing for the State respondents submits that the State respondents have no problem in giving the custody of the said girl to her parents but they are worried about the child's safety and so far as other formalities are concerned, with regard to the pendency of any criminal case pending in the State of Haryana that will not be affected in any

manner, if the custody of the girl is handed over to her parents subject to prove of their identity.

Considering the facts and circumstances of the case and submission of the parties and in the interest of justice this writ petition being WPA 12672 of 2023, is disposed of by directing the Digambarpur Angikar Home (Amar Bari), Post Office: Digambarpur, Police Station: Dholahat, District- South 24 Parganas/respondent No.4 and the Chairman, Digambarpur Angikar Home (Amar Bari), Post Office: Digambarpur, Police Station: Dholahat, District- South 24 Parganas/ respondent No.5 to hand over the custody of the aforesaid minor girl to her parents, namely, Pratima Jana, wife of Ranjit Jana and Ranjit Jana of Village and Post Office : Kailashpur, Police Station : Raydighi, District : South 24 Parganas, within 22nd September, 2023, upon satisfaction of the identity of the parents with supporting documents and subject to the condition that till the aforesaid minor girl attains majority, on every three months, Child Welfare Committee shall visit the residence of the parents for physical verification in the interest of welfare of the girl child. Such visit must be with prior intimation to the parents.

Petitioner shall communicate this order to the respondent Nos. 4,5 and 7, who shall act accordingly

on the basis of such intimation for implementation of the order of this court.

(Md. Nizamuddin, J.)