

15-06-2023
ct no. 13
sl. no. 9
sp

WPA 13823 of 2023

Jalaluddin Sk.

-Versus-

The State of West Bengal & Ors.

Mr. Anindya Bose,
Mr. Diptendu Mondal

...for the petitioner

Sk. Md. Galib, Sr. Govt. Adv.,
Ms. Tanwishree Mukherjee

..for the State

1. The petitioner seeks execution of the order of the Sub-Divisional Magistrate, Sadar, Berhampore, Murshidabad dated May 24, 2023 passed in Case No. 1868 of 2023.
2. The petitioner is aggrieved that the private respondent/maternal uncle has wrongfully detained the petitioner's daughter.
3. Counsel for the State Mr. Galib produces an order dated March 13, 2020 passed by a Co-ordinate Bench of this Court in WP No. 2945 (W) of 2020 (Jalaluddin Sekh Vs. The State of West Bengal and others). The said writ petition has been filed by the petitioner.
4. The Co-ordinate Bench had, in the said order, directed, after hearing the petitioner and the maternal uncle, to approach the Civil Court for seeking custody of his daughter. The said order

has been upheld by a Division Bench of this Court in MAT 771 of 2020.

5. However, the aforesaid two orders have been suppressed by the petitioner before this Court. There is no mention about the same in the present writ petition.
6. Upon receipt of the orders of the Sub-Divisional Magistrate, the Dhubulia Police Station, KPD, Nadia visited the residence of the maternal uncle. The minor girl studying in Class- VII, had given a letter in writing, stating that she wants to stay with her maternal uncle and is happy with him and his family.
7. The writ petitioner is not only guilty of suppression of material fact but has also made a dubious attempt to mislead this Court. The order of the Sub-Divisional Magistrate (supra) has also been obtained by suppression of the orders of the Co-ordinate Bench referred to hereinabove.
8. In those circumstances, the writ petition shall stand dismissed with costs, assessed at Rs. 17,000/- payable by the petitioner to the Dhubulia Police Station, KPD, Nadia.
9. In default of payment of costs, the petitioner shall be appropriately proceeded against under

Section 340 of the Cr. P.C. for misleading this Court and the police by the Dhubulia Police.

10. The report of the Dhubulia Police Station dated 14.06.2023 is kept with the record.
11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)