

Item-3. 29-11-2023

sg Ct. 8

WPA(H) 66 of 2023

Dilip Ram
Versus
The State of West Bengal & Ors.

Mr. Tapas Kr. Adhikari, Adv.

Mr. Abhijit Ghosh, Adv.

... for the petitioner

Mr. Debabrata Chatterjee, Id. APP

Mr. Kaustav Chatterjee, Adv.

...for the State

1. Mr. Debabrata Chatterjee, learned Additional Public Prosecutor appearing for the State respondents has submitted that the child has been recovered on 21st November, 2023 and the victim lady, namely, Smt. Lalita Choudhury and the minor son namely, Dhruv Choudhury were produced before the learned Court, Malda on 21st November, 2023 and her statement under section 164 of the Code of Criminal Procedure was recorded in the learned Court.
2. The statement recorded by the victim before the learned Judicial Magistrate, 3rd Court, Malda on 21st November, 2023 is also placed.
3. In view of the statement of the victim that she has voluntarily left the house at Islampur along with the child, the proceeding is dropped.
4. The applicant/petitioner has prayed for custody of the child.
5. This order shall not prevent the petitioner to make appropriate application for custody of the child before the appropriate forum.
6. This order, however, shall also not prevent the parties to arrive at a mutually acceptable settlement through the

intervention of the District Legal Services Authority, Malda.

7. The Secretary, DLSA shall appoint a duly qualified and competent Mediator before whom the parties shall appear along with the child and make all endeavour to resolve the dispute between the parties amicably.
8. The Secretary, State Legal Services Authority is directed to communicate this order to the learned District Judge, Malda and the Secretary, District Legal Services Authority, Malda for implementation of this order.
9. Smt. Lalita Choudhury and her child shall be present during mediation.
10. The respondent authorities through Investigating Officer shall serve a copy of this order upon the wife of the petitioner within one week from date and shall appraise Smt. Lalita Choudhury that her presence should be required in the mediation proceeding. The investigating officer shall also share all the details of Smt. Lalita Choudhury with the Secretary, DLSA, Malda so that immediate communication could be established with Ms. Choudhury. The Member Secretary shall appraise the parties about the efficaciousness of the mediation and we hope and trust that the parties would be able to resolve their dispute through mediation.
11. Mr. Chatterjee shall share all details with regard to the present address where Ms. Choudhury is leaving with her child.
12. We make it clear that the petitioner shall not cause any disturbance or annoyance to Ms. Choudhury as she has already expressed her opinion to live separately.

13. The original report of the Investigating Officer along with the photostat copy of the statement recorded under section 164 of the Code of Criminal Procedure shall be kept with the safe custody of the Court and such information shall not be parted with without an express leave of the Court.
14. The WPA(H) 66 of 2023 is, accordingly, disposed of.
15. Urgent photostat certified copy of this order, if applied for be supplied to the parties upon compliance of all requisite formalities.

(Uday Kumar, J.)

(Soumen Sen, J.)