

Court No. 5
09.11.2023
(Item No. 22)
(SB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 25872 of 2023

Manisha Sarkar
VS
The State of West Bengal & Ors.

Mr. Sumanta Ganguly
Mr. Dibakar Sardar
..... for the petitioner
Mr. Santanu Mitra
Mr. Lal Mohan Basu
..... for the State

Affidavit of service filed in Court today is taken on record.

The writ petition arises out of certain matrimonial disputes between the petitioner and the private respondent. Proceeding under Sections 498A/495/406/420/120B/34 I.P.C. read with Section 14 of the Foreigners Act is pending consideration before the learned Court below.

The petitioner submits that despite repeated complaints being lodged, the police is not arresting the private respondent.

The petitioner apprehends that her stridhan articles may be misutilized and disposed of by her husband being the private respondent herein.

The affidavit of service filed in Court today indicates that copy of the writ petition could not be served upon the private respondent on account of insufficient address.

Learned advocate representing the State respondents has obtained instruction from Mohanpur Police Station. It appears therefrom that statutory notice was issued to the petitioner for production of certain documents including evidences relating to the stridhan articles but she did not produce the same. It has been mentioned that the police went to the house of the F.I.R. named accused persons on 6th September, 2023 and thereafter on 4th November, 2023 but the person concerned was not found and the house was found to be under lock and key. Statements of the local witnesses have been recorded under Section 161 Cr.P.C. Report has also been sought for from the Officer-in-Charge of Hanskhali Police Station and the same is awaiting.

Learned advocate representing the petitioner submits, upon instruction that, the petitioner duly complied with the direction for production of necessary documents and the list of stridhan articles has also been forwarded to the police.

Upon hearing the submissions made on behalf of the petitioner and the State respondents and upon perusal of the instruction forwarded by the Officer-in-Charge, Mohanpur police Station leave is granted to the petitioner to approach the learned Court below for obtaining necessary order for recovery of the stridhan articles.

The police is, however, directed to continue with the investigation and to take necessary steps in the matter in accordance with law.

This writ petition being **WPA 25872 of 2023** stands disposed of.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

(Amrita Sinha, J.)