

Item-67. 19-12-2023

sg Ct. 8

WPA(H) 80 of 2023

Jay Prakash Mahato
Versus
The State of West Bengal & Ors.

Mr. Sourav Pal, Adv.
Ms. Manisa Mandal, Adv.
...for the petitioner
Mr. Debabrata Chatterjee, Adv.
Ms. Amrita Panja Maulik, Adv.
...for the State

1. Affidavit of service filed in Court is taken on record. In spite of service, the private respondent is not represented.
2. On consideration of the report filed by the Investigating Officer of Diamond Harbour Police District, we are of the view that no further direction is required to be passed in this proceeding as the minor is presently staying with their grandparents at Mirchaibari, Katihar, Bihar since the appellant was taken to custody in a criminal case instituted under Section 498A/304/34 of IPC.
3. We do not want to disturb the present arrangement. However, it would be open for the appellant to seek appropriate remedy for custody and visitation right in accordance with law in an appropriate forum.
4. The petitioner, however, will be entitled to take assistance of the Officer-in-Charge of Sahayak Police Station, Katihar, District Bihar in the event he faces any obstruction during his visit to meet his children as we feel that the children should be allowed access to the father in a limited way till the custody issue is settled.
5. With the aforesaid observations, the writ petition is,

accordingly, disposed of.

6. 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.)