

Item-8. 20-12-2023

sg Ct. 8

WPA(H) 88 of 2023

Dablu Singh
Versus
The State of West Bengal & Ors.

Mr. Parashar Baidya, Adv.
Ms. Sanjana Basu, Adv.
...for the petitioner
Mr. Soumya Basu Roy Chowdhury, Adv.
Mr. Sarbananda Sanyal, Adv.
...for the respondent nos.5&7
Mr. Debabrata Chatterjee, Id. APP
Mrs. Amrita Panja Mallick, Adv.
...for the State

1. The Assistant Commissioner of Police in Charge, Malipanchghora Police Station has filed a report wherefrom it appears that Nisha Kaushik claimed to be the wife of the present applicant/complainant forwarded one declaration with affidavit duly signed by herself stating that she was staying Haryana of her own choice.
2. The learned Counsel for the private respondent nos.5 and 7, on instruction, submits that the lady is presently attending a marriage ceremony at Haryana and she will return on 2nd or 3rd January, 2024.
3. We have been informed by the learned Additional Public Prosecutor that the present petitioner has filed an application under section 97 of the Cr.PC and the matter is fixed on 19th February, 2024.
4. In view of the fact that the lady shall be available in the first week of January 2024, we request the learned Magistrate to prepone the hearing of the said application and dispose of the said application in accordance with law as we find that the an apprehension has been expressed by

the learned Counsel for the appellant that without the consent and volition of the lady, she had been taken away from the custody of the petitioner who claims to be her husband.

5. If required, a statement under section 161 of the Cr.PC shall be recorded by the enquiry officer prior to the date fixed by the learned Magistrate.
6. In the event the lady appears in Court on the date to be fixed by the learned Magistrate in the pending proceeding, her statement may also be recorded by the learned Magistrate.
7. With the aforesaid observation, the writ petitioner is disposed of.
8. 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.)