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Court no. 14  
05.01.2024  
D.Hira

**W.P.A. 215 of 2024**

**Bapan Mondal**  
**-versus**  
**The State of West Bengal & Ors.**

**Mr. Sourav Mondal,**  
**Mr. Rony Mondal.**  
**... for the petitioner**

**Mr. Suman Ghosh,**  
**Ms. Munmun Tewary.**  
**... for the State**

Affidavit-of-service filed on behalf of the petitioner in Court today is taken on record.

Report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner's wife went missing a few days ago. Actually the petitioner had taken her wife to the in-laws' house. He stayed there for three days and thereafter, came back. When the petitioner went back to the in-laws' house to enquire about his wife, no information was given. Only yesterday, the petitioner has come to know that the wife was actually going around with another person. They were caught red-handed by the villagers and were married off.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The petitioner used to torture his wife. He had a habit of dumping his wife and his minor child in the in-laws' place. Last time he did so was about two years ago. The family of the petitioner's wife is very poor. They could not maintain the daughter and the child. Finally, she was married to another man. Now, the petitioner has come to his in-laws' house and is trying

to scandalize the events and derive benefit out of his own wrong doing.

The categorical stand taken by the petitioner in the writ petition and before the police authorities about going missing of his wife is in direct contradiction with the information that is being provided today. The difference becomes more stark when read in the light of the report filed by the State.

The petitioner cannot feign ignorance about the actual facts and yet, try to set criminal law in motion with a distorted version.

The petitioner is not coming with clean hands.

This Court finds no merit in this application.

Accordingly, the writ petition is dismissed with a cost of Rs.10,000/- to be deposited by the petitioner with the West Bengal State Legal Services Authority City Civil & Sessions Court Building, 1<sup>st</sup> Floor, 2 & 3 Kiran Sankar Roy Road, Kolkata – 700001 within a fortnight.

All parties are directed to act on a server copy of this order, duly downloaded from the official website of this Hon'ble Court.

**(Jay Sengupta, J.)**