

CRR 336 of 2024

Kumar Raja Panda
Vs.
The State of West Bengal & anr.

Adv. Angshuman Chakraborty,
Adv. Shashanka Shekhar Saha,
for the petitioner.
Adv. Jayanta Chakraborty,
Adv. Dhananjay Banerjee,
...for the OP 2.
Adv. Arijit Ganguly,
...for the State.

The petitioner who is the father of a minor presently aged about seven years has assailed the order passed by the learned Additional District Judge, Kalyani, Nadia on 18th December, 2023 in Criminal Appeal no. 10 of 2023 turning down his prayer for visitation rights of the child by affirming the order passed by the learned Additional Chief Judicial Magistrate, 2nd Court, Kalyani on 4th September, 2023 in Criminal Misc. case no. 323 of 2021.

Learned counsel for the petitioner submits that the learned Magistrate refused the visitation rights of the petitioner on the anvil of the report submitted by the Protection Officer. Taking this Court to the report of the Protection Officer, learned counsel submits that the report submitted by the Protection Officer is nothing but the version of the private opposite party who is the mother of the child and the wife of the petitioner. Learned counsel seeks brief visitation rights of the petitioner.

Heard learned counsels for the parties.

It appears from the judgment impugned dated 18th December, 2023 that the learned Appellate Court, in dealing with the appeal,

interacted with the child and recorded the impression of the child with regard to her father. A detailed and reasoned observation has been made by the learned Appellate Court in the judgment impugned in turning down the prayer of the petitioner, keeping in mind the security and welfare of the child. The judgment impugned also demonstrates the trauma caused to the child by the conduct of the petitioner.

It is trite law that in dealing with the matters relating to custody/visitation rights in respect of a child, the paramount consideration is the welfare of the child. It is evident from the detailed and reasoned order passed by the learned Appellate Court that grant of visitation rights to the petitioner shall only add to the trauma suffered by the child during her earlier interaction with the petitioner.

There is no illegality or irregularity in the judgment impugned that requires interference by this Court.

The revisional application is devoid of any merit and is liable to be dismissed.

Accordingly, the revisional application, being CRR 336 of 2024, is dismissed.

There shall however, be no order as to costs.

It is made clear that the observation made in this order is limited to the issue which has been dealt with herein.

Urgent certified website copy of this order, if applied for, be given to the parties, upon compliance of all requisite formalities.

(Suvra Ghosh, J.)