

18.04.2024
SL No.10
Court No.8
(Sayandeep)

WPA (H) 24 of 2024

Mr. Amaresh Chandra Roy
Vs.
State of West Bengal & ors.

Mr. Abhimanyu Shandilya
Mr. Anousko Das
.... for the petitioner

Mr. Rana Mukherjee
Mr. Simanta Kabir
... for the State

1. The grandfather is the applicant.
2. The State has filed a report which *inter alia* discloses the statement of the victim under Section 164 of the Cr.P.C. The girl is presently in Sukanya Home, Saltlake and her welfare is being monitored by the CWC, Barasat.
3. The grievance of the petitioner is that he filed an application before the CWC in the capacity as a grandparents and their application may be considered by the CWC in accordance with law. They claimed to be fit person under Section 40 of the Juvenile Justice Care and Protection of Children Act, 2015. The Juvenile Justice (Care and Protection of Children) Act, 2015 is to ensure proper care protection development

treatment social integration by adopting a child friendly approach in the adjudication and childcare committee has been constituted under the Juvenile Justice (Care and Protection of Children) Act, 2015 in order to ensure that the child received due care and protection.

4. In our view, this is not a fit case for *habeas corpus* as the CWC in our view is the authority under the statute to decide on the welfare of the child. In the event any application is filed by the petitioner for the custody of the child on any of the grounds mentioned under Sections 39 and 40 of the Juvenile Justice (Care and Protection of Children) Act, 2015, we would request the CWC to consider such application in accordance with law. It is needless to mention that the welfare of the child would be the main consideration. We are quite assured that the CWC shall take into consideration the statements of the child and the circumstances under which she was transferred to the childcare institute. The safety and security of the child is of paramount consideration.
5. Accordingly, the habeas corpus petition stands disposed of.

6. There shall be no order as to costs.

(Uday Kumar, J.)

(Soumen Sen, J.)