

05.03.2024
Serial no. 6
[G.S.D]

CRR 1698 of 2023

In the matter of : Anurupa (Chail) Tewari

... .. Petitioner

Mr. Sourav Chatterjee
Mr. Pawan kr. Gupta
Mr. Sougata Mitra
Mr. Rameshwar Sinha
Ms. Subhasri Chatterjee
Mr. Santanu Sett
Mr. Subhadeep Maitra

... for the petitioner

Ms. Debjani Sahu

... for the State

The revisional application has been preferred challenging the order dated 30.3.2023 passed by the Id. Sessions Judge, Purulia in Criminal Appeal No. 8 of 2022, wherein the Id. Sessions Judge was pleased to set aside the order dated 03.11.2022 regarding the custody of the child and proceeded on the premise that the girl child was with the custody of the father.

The Id. Appellate Court was of the view, under those circumstances, that if the custody of the child is changed, the same being a delicate issue, may affect the psychology of the child, and, as such, set aside the order in Misc. Case No. 112 of 2020.

During pendency of the present revisional application, a report was called for through the Id. Advocate appearing on behalf of the State.

The report reflects that the child, namely, Tista Tiwari, is staying with her mother, namely, Anurupa (Chail) Tiwari.

According to the report, the child namely, Tista Tiwari, is studying at Class 4-A in Burnpur Riverside Private School, where her mother Smt. Anurupa (Chail) Tiwari is an employee.

Having regard to the fact that the child is staying at the same school where her mother is an employee, I am of the view that the foundational facts on which the Id. Appellate Court proceeded to decide the issue calls for interference.

Accordingly, the judgment and order dated 30.3.2023 passed by the Id. Sessions Judge, Purulia in Criminal Appeal No. 8 of 2022, is set aside and the custody of the child would remain with the mother.

The Id. CJM, Purulia, who is *in seisin* of the matter, would be at liberty to give visitation rights to the father, if prayed for, after exercising his due discretion. The final determination of the rights of the child would be decided at the end of the trial of Misc. Case No. 112 of 2020.

Having considered the earlier order dated 03.11.2022, the same may be adhered to until and unless modified and/or altered by the Id. CJM, Purulia further.

With the aforesaid observations, CRR 1698 of 2023 is disposed of.

Pending application, if any, is also disposed of.

The report so submitted be kept with the record.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)