

Item- 17.	16-05-2024	WPA(H)/42/2023 CAN 1 of 2024
sg	Ct. 8	Biswajit Sarkar Versus The State of West Bengal & Ors.

Mrs. Karabi Roy, Adv.
...for the petitioner
Mr. Debanca Das, Adv.
Ms. Swheta Maity, Adv.
Ms. Bhavya Rathi, Adv.
..for the respondent no.6
Ms. Amrita Panja Moulick, Adv.
...for the State

1. This habeas corpus petition has been filed without disclosing the fact that the petitioner has filed an application for custody of the children before the learned Additional District Judge, Barrackpore, North 24 Parganas being Case No. 44 of 2023 on 25th August, 2024.
2. While the matter was being heard, we tried to impress upon the petitioner to approach the appropriate Court for custody of the children. We are surprised to note that the learned Advocate appearing for the petitioner did not disclose the aforesaid fact earlier.
3. In view of the fact that an application has been made before the learned Additional District Judge, Barrackpore, 24th Parganas (North), for custody of the children, we are not inclined to proceed with this matter any further. The whereabouts of the children are known to the petitioner.
4. However, the parties shall be at liberty to obtain copy of the report filed by Mrs. Mrinalini Mukherjee Chatterjee in terms of our order dated 18th April, 2024.

5. The parties shall also be at liberty to take appropriate steps in the pending proceeding with regard to the custody and welfare of the children.
6. In view thereof, WPA(H) 42 of 2023 is, accordingly, disposed of.

(Soumen Sen, J.)

(Uday Kumar, J.)