

30.08.2024
Item No.3
Daily List
Ct. No.26
CHC

WPA(H) 73 of 2024

Smriti Mondal
Vs.
The State of West Bengal & ors.

Mr. Kamalesh Ch. Saha Advocate
....for the petitioner

Mr. Debabrata Chatterjee, Sr. Govt. Advocate
Mr. Simanta Kabir, Advocate
...for the State respondents

1. Writ Petition is at the behest of the mother complaining that, her minor daughter was kidnapped and the police are inactive on the complaint lodged.

2. Learned advocate appearing for the State submits that, the victim was recovered. At the time when the victim was recovered, she was with her child aged about 8 months. Victim was produced before the Jurisdictional Child Welfare Committee. Petitioner was informed as to the recovery of the victim. Petitioner refused to take custody of the victim.

3. Learned advocate appearing for the petitioner submits that, parents of the victim, which obviously include the petitioner are presently located out of the State as they are migrant labourers. After receiving the call from the Investigating Officer they could not arrive due to their engagement as labourer outside the State.

4. Victim stands recovered. Jurisdictional Child Welfare Committee is in seisin on the issue as to the custody of the victim.

5. In such circumstances, we do not find existence of the essential jurisdictional fact as to illegal detention of any person for us to invoke the high prerogative writ jurisdiction.

6. WPA(H) 73 of 2024 is therefore, disposed of.

7. This order will not prevent the parties to avail of their remedies before the appropriate forum in accordance with law.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)