

11-11-2024
Item No.11
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
Appellate Side

WPA No.22296 of 2024

Sri Biky Biswas

-vs-

The Secretary, Department of Health & Ors.

Mr. Anindya Bose
Mr. Santanu Maji
Ms. Ruma Das Maity ...for the petitioner

Mr. Shibaji Kumar Das
Mr. Dipendu Sarkar ...for respondent no.6

Mr. Nilanjan Bhattacharjee
Mr. Saikat Dey ...for respondent no.7

1. The petitioner claims to be the husband of the seventh respondent. The parties are in an acrimonious relationship and are residing separately. Proceeding under Section 498A IPC is pending before the learned trial court.
2. The petitioner submits that their marriage took place in the month of September 2018. Prior to marriage the parties were in a relationship and the seventh respondent conceived. As the parties were not formally married, accordingly, the parties agreed to go for abortion.
3. The petitioner has annexed documents from the hospital in support of the submission that he admitted the private respondent in the hospital on August 3, 2018 and abortion was done.
4. The petitioner has prayed for the medical documents from the hospital which the hospital has denied.

5. In the instant writ petition prayer has been made to direct the hospital to supply the report of abortion.
6. Upon hearing the parties and upon perusal of the materials on record, the court is not convinced with the submission made on behalf of the petitioner seeking documents pertaining to medical termination of pregnancy of the seventh respondent. The document annexed to the writ petition clearly records the name of the patient as the wife of the petitioner.
7. Relief sought for by the petitioner cannot be allowed.
8. The writ petition thus fails and is hereby dismissed.
9. All parties are to act on the server copy of this order duly downloaded from the official website of this court.
10. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

