

16-01-2025
Item No.6
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
Appellate Side

WPA No.390 of 2025
Tarunno Das (Minor) represented by his mother Rupa Dash
-vs-
The Union of India & Ors.

Mr. Saikat Chatterjee, adv.
Md. Abdur Rakib, adv. ...for the petitioner

Mr. Ashok Kumar Chakraborty, ASGI
Mr. Kumar Jyoti Tewari, sr. adv.
Ms. Amrita Pandey, adv. ...for the Union of India

Mr. Swapan Banerjee, adv.
Mr. Diptendu Narayan Banerjee, adv....for the State

1. Learned counsel for the petitioner and the State both submit that in compliance of the order passed by this Court, the petitioner, who is the minor son of the Bangladeshi national, Rupa Dash, has been handed over to his mother. In support of such submission, a communication dated January 11, 2025 by the Superintendent, Nadia District Children Home for Boys has been furnished before this Court; let it be taken on record.
2. Learned Additional Solicitor General of India representing the Union of India, however, points out to a direction passed by the Hon'ble Supreme Court on **January 6, 2025** in **Criminal Appeal Nos.2814-2815 of 2024** in the case of **Frank Vitus v. Narcotics Control Bureau & Ors.**; in paragraph 5 whereof the Court specified that once a foreigner is released on bail, he/she cannot leave India without due permission of the civil

authority.

3. In the instant case, criminal proceeding against Rupa Dash, the mother of the petitioner, under the Foreigners Act, 1946 is pending consideration before the learned trial court.
4. The petitioner and his mother are directed to strictly comply with the order passed by the learned trial court in G.R. Case No.720 of 2020.
5. The writ petition is disposed of.
6. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
7. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]