

01.08.2025
Court No. 35
D/L. No.243
Rakib

W.P.A. 17530 of 2025

**Sarfaraj Mondal
VS
The State of West Bengal & Ors.**

Mr. Avik Ghatak
Mr. Soumya Nag
Mr. Aditya Tiwari
Mr. Rajdeep Sengupta
...for the Petitioner.
Mr. Suman Sengupta, Sr. Govt. Adv,
Mr. Sambuddha Dutta
Mr. Sanatan Panja
...for the State.

Affidavit-of-service filed by the petitioner be kept with the record.

Petitioner is aggrieved by the notice issued by Baruipur Police Station dated 30th July, 2025 in connection with Baruipur Police Station case no. 929/25 dated 15.05.2025. The contents of the notice reads that on 31.07.2025 at 11.00 A.M. the petitioner was directed to report to the police station along with her minor daughter and it was contended that according to the order of the High Court the minor daughter would be handed over to the mother of the minor daughter.

The order which has been referred is of WPA 14515 of 2025 passed on 23.07.2025, wherein this Court never directed the police authorities to take the child from the father and handed it over to the mother, rather this Court directed to consider the representation within a period of 10 days. It was further directed that if required

the petitioner therein being Kursia Parveen Mondal would approach the jurisdictional Court.

Be that as it may, since there are statute providing for definite remedies and that Misc. Case no. 08 of 2025 is pending before the learned District and Sessions Judge, 1st Court, Baruipur, the said case being under the Guardian and Wards Act, 1890, it would be for the said Court to decide the issue.

Having considered that a Court is already in seisin of the issue, police authorities would not involve themselves so far as the issue relating to custody of the child is concerned.

However, this will not prevent the investigating authorities from issuing statutory notices as required under BNSS in connection with Baruipur Police Station case no. 929/2025, which would be for the purpose of investigation of the criminal case.

With the aforesaid observations WPA 17530 of 2025 is disposed of.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

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

(Tirthankar Ghosh, J.)