

DL-20

23.12.2025

Court No.37

[Bench ID-**266046**]

(AD)

WPA (H) 103 of 2025

Raghav Rathi

Vs.

The State of West Bengal & Ors.

Mr. Debayan Sen, Advocate
Mr. Nilay Baran Mandal, Advocate
Ms. Sumalya Chakraborty, Advocate
... for the petitioner

Mr. Biplab Guha, Advocate
Mr. Raj Sekhar Basu, Advocate
... for the State

Ms. Priya Chakraborty, Advocate
Ms. Debashri Bose, Advocate
... for the private respondent

1. Petitioner is concerned with his ten year old baby.
2. The baby is presently in custody of his mother.
3. The custody of the mother cannot be pronounced to be illegal, at this stage.
4. Special circumstances do not exist for entertaining a petition of a habeas corpus particularly when the petitioner approached the Court under the Guardians and Wards Act, 1890.
5. Parties, however, agree before us that, the petitioner will be able to visit his son every Sunday commencing from this Sunday for the period between 11 A.M. till at Noon at the residence of the private respondent where the child is presently staying.
6. Officer-in-Charge of the jurisdictional Police Station is requested to ensure that no untoward incident occurs during the visitation as provided

herein.

7. We clarify that, the Court exercising the power under the Act of 1890 will not be fettered in moulding the rights of visitation or passing appropriate orders with regard to the custody of the child, in any manner, whatsoever, by virtue of this order.
8. This order will not prejudice the parties in such proceedings in any manner whatsoever.
9. We further clarify that, this order of visitation is for a temporary period pending further orders that may be passed by the appropriate Court under the Act of 1890 in this regard.
10. **WPA (H) 103 of 2025** is disposed of accordingly.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)