

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
(Via Video Conference)

WPA 9732 of 2020

Palash Sarkar
Vs.
The State of West Bengal & Ors.

Ms. Susmita Saha Dutta
Mr. Niladri Saha
... For the petitioner

Mr. Saibal Bapuli
Md. Sabir Ahmed
... For the State

The girl has been traced out. She is 19 years old. She has married a person of her choice and she apparently does not want to return to her paternal home.

Upon the petitioning father complaining that his daughter's statement under Section 164 of the Code may not have been recorded in an atmosphere where she felt comfortable, the 19-year-old girl was required to meet the senior-most Additional District Judge in Tehatta and for sufficient care to be taken so that she was not under any coercion or undue influence. Despite a clear and clean report being furnished, the father harbours some suspicion.

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If an adult marries as per her choice and decides to convert and not return to her paternal house, there can be no interference in the matter. However, to allay the father's suspicion, Pallabi Sarkar, who is now known as Ayesha

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Khatun, will meet Mr. Saibal Bapuli, Additional Public Prosecutor, in Mr. Bapuli's chamber in Calcutta on December 23, 2020 at 10.30 am. At the time that Pallabi meets Mr. Bapuli, there should be no one else in the room, including Pallabi's husband. Mr. Bapuli will file a short report when the matter appears next on December 24, 2020.

(Sanjib Banerjee, J.)

(Arijit Banerjee, J.)

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