

Present:
Mr. Justice Zafar Ahmed
And
Mr. Justice Khandaker Diliruzzaman

Criminal Miscellaneous Case No. 72737 of 2023

Kalpona Debi

...Accused petitioner.

-Versus-

The State

...Opposite party.

Mr. Arpan Chakraborty, Advocate

...For the petitioner

Mr. Md. Sarwar Hossain Bappi, DAG with

Ms. Moududa Begum (Fancy),

Mr. Mohammad Selim and

Mr. Mohammad Shafayet Zamil, AAGs

.....For the State.

Judgment on: 14.03.2024

Zafar Ahmed, J.

In this application filed under section 561 of the Code of Criminal Procedure, Rule was issued on 14.12.2023 calling upon the opposite party to show cause as to why the order No. 03 dated 11.10.2023 passed by the Metropolitan Sessions Judge, Sylhet in Criminal Miscellaneous Case No. 872 of 2023 arising out Kotwali Model Police Station Case No. 22 dated 13.06.2023 corresponding to G.R. No. 332 of 2023 under Sections 7 and 30 of the Nari-O-Shishu Nirjatan Daman Ain,

2000 so far as it relates to rejecting the application of the petitioner for getting the custody of victim girl namely Monisha Sinha Alpona, daughter of late Minut Singha and Kalpona Debi village-Debpara, Alpona-41, Police Station Shahporan (RA), District-Sylhet in favour of the petitioner, now pending in the Court of Additional Chief Metropolitan Magistrate, Sylhet should not be quashed.

We have heard the learned Advocate of the petitioner, and the learned Deputy Attorney General.

The petitioner is the informant of the case and the mother of the victim girl.

The alleged victim girl Monisha Sinha Alpona filed an application for addition of party as opposite party No. 2.

It appears from the birth registration certificate and academic transcript issued by the Board of Intermediate and Secondary Education, Sylhet regarding SSC examination of the victim that the date of birth of the victim is 01.10.2005. The date of occurrence is 05.06.2023. The victim is an adult. Therefore, she can exercise her will free will regarding her custody. At this juncture the learned DAG submits that he has

received clear instructions that the victim girl is not willing to go into custody of her mother which is also reflected in the impugned order dated 11.10.2023 passed by the Court below.

Considering the fact that the victim is an adult and that she is not willing to go into the custody of her mother, the concerned authority is directed to release the victim in her custody.

In the result, the Rule is discharged with the above direction.

The application for addition of party filed by the victim girl is kept with the records.

Office is directed to send a copy of this judgment and order to the concerned Court below immediately.

Khandaker Diliruzzaman, J.

I agree.

Mazhar/BO