

30.07.2021
Item no.8
Ct. No.34
CHC

C.R.R. No.32 of 2011

(Via Video Conference)

In Re: An application under Section 482 read with Section 401 of the Code of Criminal Procedure.

AND

In the matter of:-

Smt. Rima Dandapat (Sikdar)
... petitioner

The revisional application was preferred challenging the order dated October 4, 2010, passed by the learned Magistrate, 14th Court, Calcutta.

The order under challenge reflects that an application under relevant section of Protection of Women from Domestic Violence Act, 2005 was preferred at the instance of the present petitioner.

The learned Magistrate, on an appreciation of the application and the same being pointed out by the opposite parties came to the conclusion that the said court lacked territorial jurisdiction and as such, returned the application under Section 12 of Protection of Women from Domestic Violence Act to the petitioner.

According to the learned Magistrate, the jurisdiction and the cause of action so referred would be either at Pune or at West Midnapore or at Baranagar, which is outside the territorial jurisdiction of the said court.

Having regard to the fact that the said order was passed in the year 2010 and more than ten years have passed, I am of the view

that no interference is called for at this belated stage. However, the petitioner will be at liberty to invoke the jurisdiction of the court having authority to adjudicate the proceedings.

Needless to state that as the learned Magistrate did not touch upon the merits of the case, this Court also refrains from making any comments whether domestic violence has been committed or not.

With the aforesaid observations, C.R.R.32 of 2011 is disposed of.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby vacated.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)