

08.04.2021

Sl. No. 11
Srimanta
Ct. No.-30
D/L

**CRR/184/2021
(Via Video Conference)**

In Re : An application under Section 401 of the Code of Criminal Procedure, 1973.

In the matter of : Biswanath Halder

... petitioner.

Mr. Asis Bhattacharyya, Adv.

... for the petitioner.

Mr. Tapas Kumar Ghosh, Adv.,
Mr. Tanmoy Choudhury, Adv.

...for the opposite party no. 1.

The petitioner has filed the instant revisional application challenging an order dated 7th August, 2019 passed by the Learned Judicial Magistrate, 1st Court at Bolpur under Section 23(2) of the Protection of Women from Domestic Violence Act, 2005 and Misc. Execution Case No. 28 of 2020.

It is rightly pointed out by the Learned Advocate for the opposite party that an order under Section 23(2) of the Protection of Women from Domestic Violence Act is appealable under Section 29 of the said Act. Therefore, an appeal before the Learned Sessions Judge lies against the order dated 7th August, 2019 and the instant revision is not maintainable.

Accordingly, the instant revision is **dismissed**, however, without cost.

This order will not, however, debar the petitioner to file an appeal before the Learned Sessions Judge subject to the law of limitation.

(Bibek Chaudhuri, J.)