

09.09.2021
tkm/ct 29
sl no. 14

**C.R.R. No. 345 of 2010
CRAN 533 of 2010
(Via video conference)**

In Re : Anwarul Haque

.....petitioner

Mr. Pravas Bhattacharya

..... for the State

The matter is listed today for hearing along with CRAN 533 of 2010 under section 5 of the Limitation Act.

Mr. Pravas Bhattacharya, learned advocate who usually appears for the State is present in court. Concerned authority is requested to regularize his appointment in the matter.

None appears for the petitioner.

Perused the criminal application wherein the petitioner has prayed for condonation of delay of 215 days in filing the criminal revision.

This is an application under sections 397/401 read with section 482 Cr.P.C arising out of order dated 9.6.2009 passed by the learned Judicial Magistrate, 7th Court, Howrah in Misc. Case No. 14 of 2009 under PWDV Act, thereby allowing the opposite party no. 2 an interim maintenance to the tune of Rs. 1000/- per month.

Learned advocate for the State submits that neither delay in filing has been satisfactorily explained by the petitioner in filing criminal revision, nor would any criminal revision lie against an

order passed by the Lenard Magistrate in a case under Protection of Women against Domestic Violence Act 2005.

Considered the submission.

It is clearly laid down in section 29 of the said Act that appeal would lie against order passed by the learned Magistrate before the court of learned Sessions Judge. In such circumstance, the criminal revision in respect of the interim order of maintenance in PWDV Act is not maintainable.

In such view of the matter, CRAN 533 of 2010 under section 5 of the Limitation Act and the instant criminal revision are dismissed.

Let copy of this order be sent to the court of learned Judicial Magistrate, 7th Court, Howrah for information.

Urgent photostat certified copy of this order be given to the parties upon compliance of requisite formalities.

(Ananda Kumar Mukherjee, J.)