

15.
21-12-2021
(ct. no.29)
debajyoti

CRR 1669 of 2011

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

- A n d -

In the matter of : Sri Dilip Kumar Majumder

.... Petitioner.

Mr. Binoy Kumar Panda,
Mr. Ashok Das

... For the State.

Mr. Binoy Kumar Panda, learned advocate, and Mr. Ashok Das, learned advocate, who usually appear on behalf of the State, are present in Court. They are requested to appear on behalf of the State in this matter.

Their appointment may be regularized by the concerned authority.

Learned lawyer on behalf of the State appears and submits that in spite of specific direction of this Court dated 23-06-2011, no Affidavit-of-Service has been filed in this case. No stay order was even granted. Learned advocate for the State prays for dismissal of the revisional application.

On a careful perusal of the revisional application under Section 401 read with Section 482 of the Code of Criminal Procedure, I find that the petition was filed with a prayer for quashing the entire proceeding in Case No.AC/436/11 under Section 12 of the Protection of Women from Domestic Violence Act, 2005, pending before the learned Judicial Magistrate, 5th Court, Alipore being aggrieved by the order passed by the learned Magistrate on 04-05-2011 whereby learned Magistrate restrained the opposite party/petitioner from evicting the Opposite Party No.2 from the shared house also.

After careful perusal of the entire order impugned and the proceedings, I do not find any reason to interfere in absence of any illegality or irregularity.

In fact, the revisional court can interfere with the finding of fact of the lower court only when the same is perverse and not merely when another view is also possible. Considering the aforesaid facts and circumstances of the matter, the revisional application stands dismissed.

Let a copy of this order be communicated to learned Judicial Magistrate, 5th Court, Alipore, through the learned Registrar, Judicial Service, of this Court.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties on compliance of all necessary formalities.

(Bibhas Ranjan De, J.)