

CRR 1696 of 2019

In Re: An application under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973.

Smt. Munmun Nairantarya (Mondal)
Vs.
State of West Bengal & Ors.

Mr. Kushal Kr. Mukherjee
Mr. Diptangshu Basu
.....For the Petitioner

The instant criminal motion is directed against an order granting monetary relief to the petitioner under Section 23 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as the said Act) passed by the learned Judicial Magistrate, 8th Court at Alipore in connection with Case No. AC 2054 of 2017.

The order impugned is appealable before the learned court of Sessions.

Accordingly, the instant criminal revision being not maintainable is summarily dismissed.

The petitioner is at liberty to file an appeal before the learned Sessions Judge along with an application under Section 5 of the Limitation Act for condonation of delay.

Learned Sessions Judge is requested to consider the application for condonation of delay keeping in mind that the petitioner on wrong advice diligently has proceeded with the instant criminal revision and, therefore, the period during which

the petitioner has carried out the instant proceeding ought to be condoned. However, the learned Sessions Judge is requested to consider the issue according to his own wisdom without being swayed over the observation made hereinabove.

The learned court below is directed to act on the server copy of this order.

(Bibek Chaudhuri, J.)