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June 8,
2022
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C.R.R. No.233 of 2022

In Re: An application under Article 227 of the Constitution of India read with Sections 401 and 482 of the Code of Criminal Procedure, 1973;

Benedict Sanjoy Francis & Ors.
Versus
The State of West Bengal & Anr.

Ms. Debisree Adhikary.
...for the petitioners.

Mr. Imran Ali,
Ms. Debjani Sahu.
...for the State.

Mr. Apalak Basu,
Ms. Pritha Bhowmik.
...for the opposite party no.2.

The present revisional application challenges the continuance of the proceedings under the provisions of the Protection of Women from Domestic Violence Act, 2005 which is pending before the learned Magistrate being AC-2503 of 2021.

In view of the statutory provisions under Section 29 of the Protection of Women from Domestic Violence Act, 2005 Act, 2005, I am of the opinion that the points so canvassed must be placed before the learned sessions court and this Court will not act as a first court for deciding the issues raised in the revisional application. It is also directed that in case such appeal is preferred, the learned Magistrate will consider the delay in the background of the fact that the revisional application was pending before this Court for considerable period of time.

Certain issues have been raised by the learned advocate

appearing for the opposite party no.2 regarding the proceedings before the learned Magistrate.

The learned Magistrate would proceed with the case until and unless there is any interim order staying the proceedings by any higher forum.

With the aforesaid observations, CRR 233 of 2022 is disposed of.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby vacated.

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

(Tirthankar Ghosh, J.)