

06.04.2022

Item No.1
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 1616 of 2018

**Lakshmi Rani Das
versus
The State of West Bengal & Anr.**

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

Mr. Kallol Basu,
Mr. Bratin Kumar Dey ... For the Petitioner.

Ms. Sujata Das ... For the State.

Md. Sabir Ahmed,
Ms. Sudeshna Basu Thakur ... For the Opposite Party No.2.

The present revisional application has been preferred against the order dated 05.06.2018 passed by learned Sessions Judge, South 24-Parganas, Alipore in Criminal Motion No. 222 of 2018 as also continuation of the Criminal Motion No. 222 of 2018 before the learned Sessions Judge, South 24-Parganas, Alipore.

Mr. Kallol Basu, learned advocate appearing for the petitioner submits that the order under challenge was passed by the Sub-Divisional Officer & Tribunal Officer, Maintenance Tribunal, South 24-Parganas, Alipore. The said order was passed under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and Section 8 of the said Act categorically provides that the tribunal shall be deemed to be a civil court for all purposes. Additionally, learned advocate for the petitioner has pointed out that there is no scope for invoking the provisions of Sections 397 and 399 of the Code

of Criminal Procedure and the learned sessions court erroneously invoked the provisions and granted interim relief to the opposite party in Case No. M-25/17 pending before the learned Tribunal. According to the learned advocate, the learned Sessions Judge acted without jurisdiction and caused irreparable injury to the applicant before the Tribunal.

Mr. Ahmed, learned advocate appearing for the opposite party no.2 submits that the petitioner was at liberty to take up the aforesaid points before the learned sessions court itself and instead of the same, against an interlocutory order, the petitioner has preferred the present application before the High Court.

I have taken into account the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 which is completely the domain of the Tribunal working as a civil court and any other remedies by way of revision or appeal would be according to the provisions of the Civil Procedure Code. The revisional application being Criminal Motion No. 222 of 2018 which was preferred by the opposite party no.2 herein and entertained by the learned sessions court was without jurisdiction and as such, Criminal Motion No. 222 of 2018 is liable to be quashed.

Thus, the revisional application being CRR 1616 of 2018 is allowed.

Interim order, if any, is hereby vacated.

All pending connected applications, if any, are consequently disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)