

15-02-2022
Subha
Item no. 41
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
(Via video-conference)

C.R.R 2064 of 2018

In Re: An application under Sections 401 & 482 of the Code of Criminal Procedure.

In the matter of : Kalpada Acharya ...Petitioner.

The present application has been preferred challenging the judgement and order dated 20th March, 2018 passed in Criminal Appeal No. 01 of 2016 whereby the learned appellate court was pleased to affirm the judgement and order passed by the learned Judicial Magistrate, 3rd court, Paschim Medinipur in C. R. Case No. 408 of 2010.

The relevant part of the order of the learned Judicial Magistrate, 3rd court, Paschim Medinipur is set out as follows:-

“that the petition U/S 12 of the Protection of Woman From Domestic Violence Act, 2005, is party allowed on contest with an order as to costs.

The respondent Kalipada Acharjee is directed to return the articles, which are mentioned in Exhibit 1 and Exhibit 1/1 and are not marked in red ink or in alternative pay a sum of Rs.1,25,000/-(one lakh twenty five thousand rupees only) or the present market price of the articles which is/are lost or dilapidated.

Respondent Kalipada Acharjee is further directed to pay a litigation cost of Rs.10,000/- to the complainant.

Respondent Kalipada Acharjee is given two months time to comply with the order.”

Upon appeal being preferred against the said judgement and order, the learned Additional Sessions Judge, 3rd court, Paschim Medinipur was pleased to dismiss the same but with certain modifications.

I have perused the judgement and order of the learned Magistrate as well as the learned appellate court and on an appreciation of the same, I am of the opinion that both the courts have applied their mind and arrived at their findings as also the quantum to be awarded.

Accordingly, the revisional application being CRR 2064 of 2020 is dismissed.

All pending applications, if any, in connection with the revisional application, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]

