

06.09.2022

Item No.28

Ct.No.2

dc.

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 187 of 2022

**Sri Abhishek Dey & Ors.
versus
Smt. Sarwari Siddique**

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

Mr. Bhaskar Roy Mahashaya,
Ms. Madhushri Dutta

... For the Petitioners.

Mr. Ujjwal Luksom,
Mr. Aniruddha Biswas

... For the State.

The petitioners have approached this Court in respect of continuance of proceedings under Section 12 of the Protection of Women from Domestic Violence Act, 2005 in Misc. Case No. 100 of 2022. The main thrust of contention of the petitioners is that the learned Magistrate had no jurisdiction to issue summons and the prescribed Rules have not been followed by the applicant/opposite party.

On an assessment of the contentions advanced by the learned advocate appearing for the petitioners, I am of the opinion that there are no exceptional circumstances which compels this Court to exercise its jurisdiction under Section 482 of the Code of Criminal Procedure. The statutory powers under Section 29 of the Protection of Women from Domestic Violence Act, 2005 in respect of the authority or the jurisdiction of the Magistrate and its assessment are vested with the learned sessions court.

Accordingly, the petitioners would be at liberty to approach the appellate jurisdiction of the learned Sessions Judge under Section 29 of the Protection of Women from Domestic Violence Act, 2005. The learned sessions court would consider the contentions of the petitioners in accordance with law.

This revisional application has been pending before this Court for a considerable period of time. In case, there is any delay in preferring the appeal, the learned appellate court would consider the issue of delay in the background of this revisional application pending before this Court.

With the aforesaid observations, the revisional application being CRR 187 of 2022 is disposed of.

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.)