

03-01-2023
Subha
Item no.18
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 292 of 2021

Kriti Agarwal
-versus-
The State of West Bengal & Anr.

Re : An application under Sections 397,401 and 482 of the Cr. P. C.

The revisional application has been preferred challenging the order dated 29.12.2020 passed by the learned chief Judicial Magistrate, Alipore in connection with S. L No. 143C of 2018.

The subject matter related to an application under Section 156(3) of the Code of Criminal Procedure which was filed before the learned Chief Judicial Magistrate, Alipore and the averments therein were regarding the non-payment of maintenance and for prosecution of the opposite party under sections 31 and 32 of the P.W.D.V Act, 2005. The learned Chief Judicial Magistrate, Alipore in his order observed that non-payment of the maintenance amount do not come within the ambit of breach of protection order as envisaged under Section 31 of the Act and as such, refused the prayer under Section 156(3) of the Code of Criminal Procedure.

I find that there is no illegality in the order as it has been categorically observed that the order of maintenance under the P.W.D.V Act do not come within the provisions of Section 18 of the P.W.D.V. Act, 2005.

Having regard to the above, no interference is call for by this

court at this stage.

Accordingly, the present revisional application being **CRR 292 of 2021** is **dismissed**.

Pending applications, if any, 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]