

July 5, 2023
AD – 111
Ct. 34
SG

CRR 434 of 2023

Sosavan Paul
-versus-
Baishakhi Roy (Paul) and others

Mr. D.K. Adhikari

... for the petitioner.

Petitioner is aggrieved by the fact that an ex parte order has been passed under Section 23(2) of the Protection of Women from Domestic Violence Act, 2005. The said order was passed by the learned Judicial Magistrate, 4th Court, Barrackpore in Misc. Case No.45 of 2019. The said order is an appellable order. No grounds have been made out for invoking the jurisdiction under Section 482 Cr.P.C.

Petitioner is granted liberty to prefer an appeal under Section 29 of PWDV Act, 2005 before the appropriate sessions court. In case, such an appeal is preferred, learned appellate court will consider the issue relating to delay particularly with regard to the period for which the revisional application was pending before this Court.

With the aforesaid observations, CRR 434 of 2023 is disposed of.

Department is directed to hand over certified copy of the order to learned advocate for the petitioner on the same being replaced by photostat copy.

Pending application, if any, is consequently disposed of.

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

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

(Tirthankar Ghosh, J.)