

D/L14
18.08.2023
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C.R.R.939 of 2022

In Re: An application under Section 397, 401 read with 482 read with
Section 401 of the Code of Criminal Procedure;

Prabhat Kumar Ghosh and others
Versus
The State of West Bengal and another

Mr. Anil Kr. Chattopadhyay
Mr. Dinesh Pani.

...for the petitioners.

The present revisional application has been preferred challenging the proceedings of Misc. Case No.32 of 2021 which is pending before the learned Judicial Magistrate, Howrah. The issues which have been canvassed in the revisional application relate to facts which may or may not give rise to the maintainability of the proceedings. The provisions of PWDV Act, 2005 incorporate Section 29 wherein each and every order is to be challenged before the learned District and Sessions Judge. The jurisdiction of Section 482 of the Code of Criminal Procedure is used in such type of cases only under very exceptional circumstances. No exceptional case is existing in the present revisional application. Petitioner is granted liberty to approach the learned Sessions Judge under Section 29 of the PWDV Act.

With the aforesaid observations, CRR 939 of 2022 is disposed of.

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

(Tirthankar Ghosh, J.)