

D/L18
17.07.2023
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C.R.R.2568 of 2023

In Re: An application under Section 482 of the Code of Criminal Procedure;

Manish Kumar Agarwal
Versus
Puja Agarwal

Mr. Sunil Kr. Singhania
Ms. Kalpana Singhania
Ms. Twinkle Kaur.
...for the petitioner.

Mr. Satadru Lahiri
Mr. Ashik Kr. Mukherjee
Mr. Saurabh Prasad.
...for the opposite party.

The subject matter of challenge in this revisional application is the order dated 1st June, 2023 passed by the learned Judicial Magistrate, 2nd Court, Alipore, South 24 Parganas in Criminal Case No.2384 of 2022. The subject matter relates to interim reliefs granted by the learned Magistrate under the relevant provisions of PWDV Act, 2005.

As the statutory provisions of the said Act provides Section 29 of the PWDV Act as a remedy for challenge of any order passed by the learned Magistrate to be preferred before the learned jurisdictional sessions court, I am of the opinion that the petitioner should first exhaust the remedy before the learned sessions court and thereafter, if required, approach the High Court. Accordingly, the merits of the case is not adjudicated by this Court at this stage. Petitioner is granted liberty to approach before the learned

jurisdictional sessions court.

With the aforesaid observations, CRR 2568 of 2023 is disposed of.

Pending application, if any, is consequently disposed of.

Learned advocate for the petitioner would take back the certified copy from the department after replacing the same with a photostat copy.

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.)