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C.R.R. No.2308 of 2021

In Re: An application under Section 401 and Section 482 of the Code of Criminal Procedure, 1973;

Soumya Chakraborty
Versus
State of West Bengal and another

Mr. Ayan Bhattacharjee,
Mr. Nirmalya Chatterjee,
Ms. Ritu Das.

...for the opposite party no.2..

Ms. Manisha Sharma.
...for the State.

None appears for the petitioner.

Mr. Bhattacharjee, learned advocate, appears on behalf of the private opposite party no.2.

The subject matter of challenge in the present revisional application relates to the order dated 7th October, 2021 passed in Criminal Appeal No.32 of 2020 by the learned Additional Sessions Judge, 4th Court, Alipore. The said appeal was preferred in respect of Misc. Execution Case No.83 of 2019 which was an off-shoot of the order passed in PWDV Case No.2971 of 2019 by the learned Judicial Magistrate, 7th Court, Alipore. Learned appellate court while arriving at its conclusion observed that there was nothing wrong in granting interim monetary relief order in view of the issues canvassed in the application under the provisions of P.W.D.V. Act, 2002.

As pointed out by Mr. Bhattacharjee, learned advocate appearing for the private opposite party no.2 that the appeal itself

was filed in respect of the order dated 07.02.2020 in Misc. Ex. Case No.83 of 2019 and the initial order granting interim monetary relief was never the subject matter.

Having considered the reasons so assigned that the petitioner is out of employment and under the changed circumstances such issue is to be brought to the notice of the learned Magistrate and this Court will not appreciate the changed circumstances, the order passed by the learned Judicial Magistrate, 7th Court, Alipore as well as learned appellate court do not call for any interference.

Accordingly, CRR 2308 of 2021 is dismissed.

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.

(Tirthankar Ghosh, J.)