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C.R.R.2436 of 2021

In Re: An application under Article 227 of the Constitution of India;

Smt. Mina Sarkar and others
Versus
State of West Bengal and another

Ms. Aiswajya Gupta.
...for the petitioners.

Mr. Ayan Banerjee,
Mr. Arijit Bhowmick,
Ms. Debasree Dhamali,
Mr. Suman Banerjee.
...for the opposite party no.2.

The present revisional application has been preferred invoking the jurisdiction under Article 227 of the Constitution of India for interfering with a proceeding under Section 12 of the PWDV Act, 2005 being Case No.DV Act 68 of 2020 pending before the learned Judicial Magistrate, 2nd Court, Sealdah, 24 Parganas (South).

Learned advocate appearing for the petitioners submits that the petitioners do not have any domestic relationship with the applicant and so far as the factum of shared household which has been pleaded over there, the same has got no applicability so far as the applicant before the learned Magistrate is concerned.

The case do not make out an exceptional circumstance wherein this Court would interfere in spite of the provisions of Section 29 of the PWDV Act being available to the petitioners.

I have assessed the contentions of Ms. Gupta, learned

advocate appearing for the petitioners namely, Smt. Mina Sarkar, Ms. Swarnarekha Sarkar and Dr. Tridib Sarkar and I do not find any exceptional case for invoking jurisdiction of this Court. No interference is called for. Petitioners would be at liberty to take out an application under Section 29 of the PWDV Act before the sessions judge.

With the aforesaid observations, CRR 2436 of 2021 disposed of.

Pending applications, if any, are 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.)