

23-08-2023
Subha
D/L 27
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 2490 of 2021

Md. Yousuf Ali Mistri and Ors.
-versus-
State of West Bengal and anr.

Mr. S. S. Roy
Mr. Dilip Kumar Samanta
Mr. Biswapriyo Samanta
Ms. Tithi Paul

....for the petitioners.

Mr. Roy, learned advocate appearing on behalf of the petitioners challenged the order dated 12.10.2020 wherein the learned Additional Chief Judicial Magistrate, Basirhat in Complaint Case No. 223 of 2020 was pleased to take cognizance under Section 12 of the P.W.D.V Act.

Petitioners are aggrieved by the said order. Under the provisions of the P.W.D.V Act, a statutory appeal is maintainable under Section 29 before the concerned learned District and Sessions Judge.

This court will exercise its jurisdiction under Section 482 of the Code of Criminal Procedure in very exceptional circumstances.

Having regard to the issues which have been canvassed relating to the maintainability of the proceedings, I grant liberty to the petitioners to canvass such point which is a statutory remedy under Section 29 of the P.W.D.V Act. In case the petitioners prefer an appeal under Section 29 before the concerned learned District

and Sessions Judge, the concerned District and Sessions Judge will take into account the factum of the delay was because of the pendency of the present revisional application being CRR 2490 of 2021. The concerned learned District and Sessions Judge would leniently take into account the factum relating to the delay and decide the case on merits so far as the grievance of the present petitioners are concerned in respect of the order dated 12.10.2020.

With the aforesaid observations, the present criminal revisional application being CRR 2490 of 2021 is disposed of.

Pending applications, if any, are consequently disposed of.

Department is directed to return the certified copy to the learned Advocate-on-record of the petitioners on the same being replaced by the Photostat copy.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]