

12.07.2023

Item No.29

Ct.No.34

dc.

**IN THE HIGH COURT AT CALCUTTA**  
**CRIMINAL REVISIONAL JURISDICTION**

**C.R.R. 3318 of 2022**

In the matter of : **Manindra Nath Mandal** ... Petitioner.

Mr. Sanjib Kumar Mukhopadhyay,  
Ms. Aparupa Bhattacharya,  
Ms. Nargish Parveen ... For the Petitioner.

The learned advocate appearing for the petitioner has challenged the order dated 25.07.2022 passed by learned Additional Sessions Judge, Fast Track, 3<sup>rd</sup> Court, Basirhat in Criminal Appeal No. 5 of 2018. By the said order the appellate court affirmed the order dated 15.02.2018 passed by learned Additional Chief Judicial Magistrate, Basirhat in Complaint Case No. 1126 of 2016.

The subject-matter of the case relates to the provision of Protection of Women from Domestic Violence Act, 2005. The learned advocate appearing for the petitioner submits regarding the reasons so assigned so far as the issue relating to territorial jurisdiction is concerned which both the courts have considered and failed to appreciate.

I have assessed the reasoning assigned by the learned appellate court while arriving at its conclusion. *Prima facie*, the said reasoning appears to be just and sufficient. It is for the petitioner in course of evidence to rebut such contention regarding the truth or falsity of the claim so far as the creation of territorial jurisdiction is concerned. As such, I am not inclined to interfere at this stage.

The petitioner would be at liberty to canvass all the issues in course of trial of the case including the territorial jurisdiction provided in evidence the foundation of the territorial jurisdiction is dislodged in course of cross-examination.

With the aforesaid observations, the revisional application being CRR 3318 of 2022 is disposed of.

Pending connected application, if any, is consequently disposed of.

All concerned 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 with all requisite formalities.

**(Tirthankar Ghosh, J.)**