

M/L7
07.08.2023
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C.R.R.3372 of 2022

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

Samir Halder
Versus
Rupa Halder and another

Mr. Koushik Chowdhury
Ms. Busra Khatoon.
...for the petitioner.

Ms. Reshmi Mukherjee
Ms. Ashok Halder.
...for the opposite party no.1.

Mr. Koushik Chowdhury, learned advocate appearing for the petitioner submits that the present application has been erroneously filed before this Court under Section 482 of the Code of Criminal Procedure. Learned advocate seeks liberty to prefer an appeal under Section 29 of the PWDV Act, 2005.

The subject matter of challenge relates to an order dated June 21, 2022. More than one year has passed since the impugned order was passed by the learned Judicial Magistrate, 2nd Court, Malda in connection with C. Case No.348 of 2020.

If the petitioner prefers an appeal before the learned District Judge/Sessions Judge, in that case the learned appellate court will take into account the delay being because of the result of pendency of the present revisional application.

Department is directed to return the certified copy to the learned advocate-on-record of the petitioner on the same being

replaced by photostat copy.

Accordingly, CRR 3372 of 2022 is disposed of.

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.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)