

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

CRR 3309 of 2023

Supravath Roy @ Supravat Roy @ Suprabhat Roy & Ors.
Vs.
The State of West Bengal & Anr.

Mr. Arnab Chatterjee
Mr. Sujoy Sarkar
Mr. Subham Bhakat
Ms. Dharasree Biswas
Ms. Poulami Bose
... For the petitioners

Mr. Soumik Ganguli
Ms. Chandana Chakraborty
... For the opposite party no.2

Petitioners have challenged the proceedings, being Misc. Case No.14 of 2023 which is pending before the learned Chief Judicial Magistrate, 6th Court, Bankura.

Mr. Arnab Chatterjee, learned advocate appearing on behalf of the petitioners submits that unnecessarily somehow the petitioners have been implicated in the instant case. In fact, at a particular point of time after five years, there was scope of mutual divorce. However, the same did not materialise and the opposite party no.2 approached the learned Chief Judicial Magistrate, 6th Court, Bankura for the purpose of invoking the powers under the Protection of Women from Domestic Violence Act, 2005 (in short, PWDV Act, 2005).

I have considered the contentions advanced in the revisional application and I do not find any exceptional

circumstances to invoke the powers under Section 482 of the Code of Criminal Procedure when the statutory power of appeal is to be exhausted under Section 29 of the PWDV Act, 2005.

Mr. Soumik Ganguli, learned advocate appear on behalf of the opposite party no.2 in this revisional application. He may be served with a copy of the revisional application.

Accordingly, the petitioners are granted liberty to approach the learned Sessions Judge under Section 29 of the PWDV Act, 2005. The petitioners would be at liberty to canvass all the points which have been advanced in the present revisional application.

Learned Sessions Judge would consider the same in accordance with law. If there is a delay, the same may be leniently considered as the revisional application was preferred before this Court and the same was pending.

With the aforesaid observations, CRR 3309 of 2023 is disposed of.

All 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 upon the same being replaced by a photostat certified copy thereof.

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.)