

13-10-2023
Subha
Item no. 84
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 3768 of 2023

Sri Arghya Chakraborty
-versus-
State of West Bengal and Anr.

Mr. Abhijit Ganguly
Mr. Subhashis Saha
.....for the petitioner.

The present revisional application has been preferred for quashing of the proceedings under Section 12 of the Domestic Violence Act, 2005 being Misc. (DV) 82 of 2023 which is pending before the learned Judicial Magistrate, 1st court, Contai, Purba Medinipur.

Mr. Ganguly, learned advocate for the petitioner submits that there were number of incidents which resulted in criminal cases and as a counter-blast of the same, the present case has been initiated.

Learned advocate for the petitioner further submits that the petitioner is still taking care of the lady and the minor child but unfortunately on frivolous set of fact a case of domestic violence has been made out and the learned Magistrate has issued notice on such a complaint.

Be that as it may, the issues are facts which are to be

considered by a court having authority and under the provisions of the PWDV Act if a party is aggrieved by any order an appeal lies under Section 29 of the PWDV Act before the learned District Judge/Sessions Judge of the jurisdiction.

Having regard to the same, I grant liberty to the petitioner to first approach and exhaust the provisions of appeal.

With the aforesaid observations, the present revisional application being CRR 3768 of 2023 is disposed of.

Pending applications, if any, are consequently disposed of.

In case there is a delay in preferring the appeal, the learned appellate court will consider the pendency of the revisional application and leniently consider the application for condonation of delay.

Department is directed to return the certified to the learned Advocate-on-record of the petitioner on the same being replaced by a 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]

