

July 5, 2023
AD – 118
Ct. 34
SG

CRR 4020 of 2022

Buddhadeb Mondal

-versus-

The State of West Bengal and another

Mr. Prabir Adhya

... for the petitioner.

Mr. Soumik Ganguli

Mr. Dilip Kumar Sadhu

... for the OP No.2.

The present revisional application has been preferred challenging Misc. Case No.160 of 2021 pending before the learned Judicial Magistrate, 3rd Court, Katwa under Sections 12 and 23 of Protection of Women from Domestic Violence Act, 2005.

I have considered the submission advanced by learned counsel for the petitioner, I am of the opinion that the petitioner's remedy would lie by invoking the jurisdiction of the learned sessions court under Section 29 of PWDV Act, 2005.

Accordingly, if there is delay in preferring such application, learned sessions judge would consider by taking into account that a revisional application was pending before the High Court for a considerable period of time and preferably hear out the appeal on merits by condoning the delay.

All issues be canvassed in the said appeal under Section 29 of PWDV Act, 2005.

With the aforesaid observations, CRR 4020 of 2022 is disposed of.

Department is directed to return the certified copy of the order to learned advocate for the petitioner on the same being replaced by photostat copy.

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

(Tirthankar Ghosh, J.)

