

Item-
301. 12.12.2023
Aloke Court-34

C.R.R. 4662 of 2023

**Sankha Nath Bhattacharya
Versus
The State of West Bengal & Anr.**

Mr. Sajal Kanti Bhattacharyya
Mr. Sarthak Burman
...for the petitioner

Petitioner has preferred an application for quashing of the proceeding being A.C. No. 1645 of 2023 which is pending before the learned Judicial Magistrate, 1st Court, Alipore, South 24 Parganas.

Petitioner submits that he is the father-in-law of the opposite party no. 2 who is not even staying and has remote connections with the opposite party no. 2.

Be that as it may these are disputed questions of fact. Petitioner would at first exercise his powers in the Appellate Court under Section 29 of the PWDV Act, 2005. In case there is any application for condonation of delay, the learned Appellate Court would consider the same, taking into account the pendency of the present revisional application before this Court. So far as the power of this Court under Section 482 Cr.P.C. is concerned, the same can be invoked but in exceptional circumstances. The contentions of the petitioner is such that it would be the Appellate Court, which would be the competent forum for addressing the grievance. No interference is made by this Court.

Petitioner would be at liberty to canvas all these points before the learned Appellate Court.

With the aforesaid observations, CRR 4662 of 2023 is disposed of.

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

(Tirthankar Ghosh, J.)