

15-12-2023
Subha
Item no. 47
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 4787 of 2023

Ashok Kumar
-versus-
Manorama Shaw and Anr.

Mr. Mohinoor Rahaman
Mr. Iqra Rahaman
Mr. Nitin Kumar Das
.....for the petitioner.

Petitioner has challenged the proceedings being Case No. 99 of 2021 pending before the learned Judicial Magistrate, 5th court, Sealdah. Learned advocate submits that the petitioner has been falsely implicated in the instant case.

Having regard to the facts which have been canvassed in the present revisional application, I do not find any reason to invoke the powers under Section 482 of the Code of Criminal Procedure without the petitioner exhausting his remedy before the learned Sessions Judge under Section 29 of the P.W.D.V Act. Accordingly if the present petitioner prefers an appeal before the learned Sessions Judge, the learned Sessions Judge will consider the delay in view of the revisional application pending before this court. Needless to state that I have not gone into the merits of the contentions advanced on behalf of the petitioner and only held that the application should be first preferred before the learned Sessions Judgr under Section 29 fo the D.V Act.

With the aforesaid observations, the revisional application being CRR 4787 of 2023 is disposed of.

Pending applications, if any, are consequently disposed of.

Department is directed to return the certified copy to the learned advocate on record 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]