

D/L15
20.12.2023
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C.R.R.4845 of 2023

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973;

Tanmoy Sarkar and others
Versus
The State of West Bengal and another

Mr. Prabir Majumder
Mr. Debraj Shil.
...for the petitioners.

The revisional application has been preferred challenging the continuation of the proceedings of Complaint Case No.4618 of 2022 pending before the learned Judicial Magistrate, Bidhannagar, 24 Parganas (North) under Section 12 of the PWDV Act.

Learned advocate appearing for the petitioners submits that in the application under Section 12 of the PWDV Act unnecessarily the petitioner no.2, namely, Jayanti Sen, petitioner no.3, namely, Prabhat Kumar Sen and the petitioner no.4, namely Arindam Sen have been implicated as opposite parties, they are the paternal aunt, uncle and their son who are residing at a different place at Krishnagar, Nadia, while the husband, namely, Tanmoy Sarkar is residing at Ranchi at his workplace. The lady was residing at Ranchi along with her husband. As such, it has been contended that the question of domestic violence at the instance of the petitioner nos. 2 to 4 do not arise as they are distant relations. Petitioner nos.2 to 4 further submits that they did not receive any notice as the service was effected at the address at Ranchi but has been informed of the complaint case pending before the court at

Bidhannagar.

Be that as it may, the petitioner has approached this Court against the order of issuance of notice by the learned Judicial Magistrate, Bidhannagar. The provisions of Section 29 of the PWDV Act incorporates a statutory appeal. The petitioner would be at liberty to canvass all the points which have been addressed before this Court including those which have been recorded above before the learned appellate court. The learned appellate court while entertaining the appeal would take into account the issue relating to delay both on the ground of notice not being received by the petitioner nos. 2 to 4 as also the revisional application was preferred before this Court.

With the aforesaid observations, CRR 4845 of 2023 is disposed of.

Pending connected application, if any, is consequently disposed of.

Department is directed to return the certified copy to the advocate on record of the petitioner upon the same being replaced by photostat copies.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(Tirthankar Ghosh, J.)

