

14.06.2024
rc/ct.no.34
Item No.27

CRR No. 2309 of 2024

In the matter of : Sri Avijit Rana

.....Petitioner

Mr. Siddhartha Paul

...for the Petitioner

The petitioner has assailed the order passed by the learned Additional Sessions Judge, 1st Court, Katwa in Criminal Appeal No. 5 of 2024 whereby the learned Court has transferred the case record to the learned Additional Sessions Judge, Fast Track Court, Katwa for disposal. Learned counsel for the petitioner submits that though Misc. Case No. 182 of 2023 has been recorded as a case under Section 12 of the Protection of Women from the Domestic Violence Act, 2005, the said Misc. Case is in fact under Section 125 of the Code of Criminal Procedure as shall appear from the from the copy of the order dated March 12, 2024 passed in the Misc. Case (Annexure P-1 to the application). Also, since another appeal being Criminal Appeal No. 6 of 2024 preferred against an order passed under the Protection of Women from the Domestic Violence Act, 2005 between the same parties has been transferred to the learned Additional Sessions Judge, 2nd Court, Katwa for disposal, the present appeal being Criminal Appeal No. 5 of 2024 be also transferred to the same learned Court for disposal.

Upon consideration of the submission made on behalf of the petitioner, this Court is inclined to hold that since both the appeals pertain to cases between the same parties and criminal appeal no. 6 of 2024 has been transferred to the Additional Sessions Judge, 2nd Court, Katwa for disposal, the present appeal being Criminal Appeal No. 5 of 2024 be also transferred to the same learned Court for disposal. Also, it is recorded that Misc. Case No. 182 of 2023 against which the present appeal has been preferred is under Section 125 of the Code of Criminal Procedure.

Accordingly, the order impugned dated May 14, 2024 passed by the learned Additional Sessions Judge, 1st Court, Katwa is set aside.

The revisional application being CRR No. 2309 of 2024 is disposed of accordingly.

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 with all requisite formalities.

(Suvra Ghosh,J)