

04-01-2024
Subha
Item no. 30
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 5007 of 2023

Suraiya Sarkar.
-versus-
State of West Bengal and Anr.

Mr. Soumyajit Das Mahapatra
Mr. Ali Ahasan Alamgir
Ms. Soma Mal
Ms. Rabia Khatoon
Ms. June Modal

.....for the petitioner.

Mr. Md. Anwar Hossain
...for the State.

Petitioner has challenged the proceedings of Complaint Case No. 2483 of 2022 pending before the learned Judicial Magistrate, 3rd court, Alipore which is a case under Section 12 of the P.W.D.V Act.

The statutory powers under Section 29 of the P.W.D.V Act provides for appeal which has not been exhausted by the petitioner. This court do not find any exceptional circumstances to invoke at this stage the provisions of Section 482 of the Code of Criminal Procedure. Petitioner would first exhaust her remedy before the learned Sessions Judge under Section 29 of the P.W.D.V Act, if so advised.

Accordingly, if an appeal is preferred, the learned Sessions Judge will take into account the issue relating to the delay in view of the revisional application pending before this court.

With the aforesaid observations, the revisional application being CRR 5007 of 2023 is disposed of.

Pending applications, if any, are consequently hereby disposed of.

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