

06.01.2025

Item No.11

Ct.No.2

Rakib

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 267 of 2024

Md. Jalil @ Abdul Jalil

Vs.

Firdosh.

Mr. Satyaki Basu.

... For the Petitioner.

Petitioner is aggrieved by the order dated 01.02.2024 wherein the learned Judicial Magistrate, 3rd Court, Alipurduar in case no. CR-250 of 2022 was pleased to award monthly maintenance as also a lumpsum compensation.

Without going into the merits of the contentions advanced in the application, I am of the view that as a specific provision under Section 29 of the PWDV Act is existing, thereby entitling the petitioner to prefer an appeal before the learned Sessions Judge, I direct that the petitioner would first approach and exhaust the remedies available in appeal and thereafter would be entitled to invoke the inherent power of this Court.

Accordingly, petitioner would, if so advised take steps before the learned Sessions Judge. Learned Sessions Judge would in such circumstances take into account the period of pendency of the present application before this Court and if the appeal is filed within a period of 30 days from date would be lenient in granting condonation of delay.

With the aforesaid observations CRR 267 of 2024 is disposed of.

All concerned 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.

(Tirthankar Ghosh, J.)