



Order

Order with Signature

Office Note as to
action (if any)
taken on Order

08. 07.08.2008

Present: Mr. N. B. Khatiwada, Senior Advocate with Mr. Dhurba Tewari and Mr. Zigme Wangchuk Bhutia, Advocates for the Petitioner.

Mr. Bhupendra Giri, Advocates for Respondent Nos.1 to 6.

Mr. J. B. Pradhan, Public Prosecutor and Mr. Karma Thinlay, Additional Public Prosecutor for the State-Respondent No.7.

Heard learned counsel for the parties.

In the course of hearing, a notification bearing No.47/WCDD/2007 dated 22.2.2007 issued by the State Government was placed on record by the learned Public Prosecutor appearing for the State-Respondent No.7. This notification goes to show that the Government has already taken steps for appointment of Protection Officers in terms of Sub-section (1) of Section 8 of the Protection of Women from Domestic Violence Act, 2005 (43 of 2005). It also appears from the 'Status Report on Implementation of Protection of Women from Domestic Violence Act, 2005' that Service Providers have been identified in terms of Section 10 of the Act.

A perusal of the impugned order dated 24th October, 2007 passed by the Judicial Magistrate, South at Namchi goes to show that the prayer made by the petitioner for referring the matter to the counselors was rejected mainly on the ground that the State Government had not yet issued any notification appointing Service Providers under Section 10 of the Act. Now that Protection officers

4/10/08



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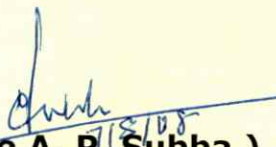
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have been appointed and 9 (nine) Service Providers have been identified by the State Government, the parties have no objection if the matter is remanded back to the trial Court for re-hearing the matter according to law.

In view of the above, the impugned order dated 24th October, 2007 is hereby set aside and the case is remanded back to the trial Court with the direction to proceed further with the matter according to law.

The records of the lower Court may be sent back.


(Justice A. P. Subba)
Judge

*Trial Court records
along with a order
forwarded on 12-5-08
he cas
12/5/08*