

**HIGH COURT OF TRIPURA
AGARTALA**

Crl. Petn.26 of 2023

Smt. Anindita Mahalanabish

Petitioner(s)

Versus

The State of Tripura & Ors.

Respondent(s)

For Petitioner(s) : Ms. Sarama Deb, Advocate.

For Respondent(s) : Mr. S. Debnath, Addl. PP

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

21.11.2023

This petition has been filed under Section 482 of the Criminal Procedure Code for directing the Ld. Trial Court below to dispose of the cases bearing nos.CR 14 of 2019 along with Misc. 492 of 2021, Misc. 1507 of 2021 and Misc. 15 of 2022 pending before the Ld. Judicial Magistrate (1st Class), Court no.5, Agartala, West Tripura within a stipulated period.

The case of the petitioner is that the petitioner filed a case under Section 12 of the Protection of Women from Domestic Violence Act, 2005 against respondents in the year 2019 which is numbered as CR. 14 of 2019 and is still pending before the Ld. Trial Court below. It is pertinent to mention here that already 5 years have been elapsed, but no effective order is passed in CR. 14 of 2019 by the Ld. Trial Court below till date. It is fixed on 28.11.2023 for hearing/order. It is pertinent to mention here that the respondent no.1 i.e. Sambhunath Mahalanabish expired on 22.04.2022.

The petitioner further stated that the petitioner filed an application under Section 128 of Cr.P.C read with section 31 of the Protection of Women from Domestic Violence Act, 2005 for execution of the order dated 19.05.2020, 22.05.2020, 04.06.2020, 16.12.2020 and 17.12.2020 passed by the Ld. Judicial Magistrate (1st Class), Court No.5 Agartala, West Tripura and the said case is numbered as Misc.492 of 2021 arising out of CR.14 of 2019 and is still pending before the Ld. Trial Court below and is fixed on 28.11.2023 for order.

The petitioner again submitted before this court that the petitioner filed another case before the Ld. Trial Court below under Section 128 of Cr.P.C read with Section 31 of the Protection of Women from Domestic Violence Act, 2005 against the respondents and subsequently, respondent no. 1 and 2 were released from this Misc. case on prayer of petitioner, but charged framed against the respondent no.3 which is numbered as Misc. 1507 of 2021 arising out of CR 14 of 2019 and is still pending. The said case is fixed on 28.11.2023 for order.

Thereafter, the petitioner also filed an application under Section 23 of the Protection of Women from Domestic Violence Act, 2005 for economical abuses which is numbered as Misc.15 of 2022 arising out of CR 14 of 2019 and is still pending before the Ld. Trial Court below and is fixed on 28.11.2023.

Heard Ms. Sarama Deb, learned counsel appearing for the petitioner. Also heard Mr. S. Debnath, learned Addl. PP appearing for the State-respondent.

Without going into the merits of the case, this Court disposes of this present criminal petition by directing learned Court below to expedite the cases bearing nos. 14 of 2019 along with Misc Case No. 15 of 2022, Misc.492 of 2021, Misc. 1507 of 2021 pending before the Ld. Judicial Magistrate (1st Class), Court no. 5, Agartala, West Tripura as per procedure as early as possible.

Accordingly, this Criminal Petition is disposed of.

As a sequel, stay if any stands vacated. Pending application(s), if any also stands closed.

JUDGE

Paritosh

**SABYASACHI
GHOSH**

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