

CRR 730 of 2021

In Re :Md. Riazuddin Qurashi

Mr. Angshuman Chakraborty,
Mr. Shashanka Shekhar Saha For the Petitioner

Ms. Zareen Nasema Khan,
Ms. Sreeparna Das
..... for the State

Affidavit of service filed in Court today be kept with record.

Without going into the merit of the application where the husband/petitioner has denied the allegation of domestic violence perpetrated upon the aggrieved person by him, this Court is of the opinion that in view of the decision passed by the Hon'ble Supreme Court in the case of **Rajnish -vs- Sneha**, reported in **(2021) 2 SCC 324**, the petitioner herein is entitled to adjustment of the amount which he is going on paying as per the order passed in another proceeding under Section 125 of the Code of Criminal Procedure against the interim monetary relief under Section 23 (2) of the Protection of Women from Domestic Violence Act.

Since the principle of "overlapping jurisdiction" is not applied by both the Courts below and no order of adjustment was passed by the trial Court which was affirmed by the learned Additional Sessions Judge, 1st Court at Sealdah, I am of the view that both the judgments/orders are required to be set aside and the learned trial Court should be directed to pass order of interim monetary relief in

favour of the opposite party/aggrieved person taking into account the amount paid by the petitioner in a proceeding under Section 125 of Code of Criminal Procedure.

The learned trial Judge is directed to dispose of the application within three months from the date communication of this order.

Parties are at liberty to act on the server copy of this order.

The instant criminal revision is accordingly allowed on contest in presence of the learned advocate for the State of West Bengal, however, without costs.

(Bibek Chaudhuri, J.)