

Sr.18
25-08-2021
Subha.
Court no. 34

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE
(Via Video Conference)**

CRR 2823 of 2011

In the matter of : Jasminnahar @ AshaPetitioner.

In Re : An application under Sections 482 read with Section 401 of the Code of Criminal Procedure.

Mr. Saryati Datta
...for the High Court Legal Services Authority.

The order dated 24th March, 2011 passed by the learned Judicial Magistrate, 1st Class, 2nd Court, Suri, Birbhum in a case under Sections 12 and 18 of the Protection of Women from Domestic Violence Act, 2005 reflects that the learned Magistrate was not aware regarding the interpretation of the provisions relating to the said Act and as such proceeded to hold that the complained offences were of the period till January, 2003 and the petitioner did not allege any incident of violence after 2005. According to the learned Magistrate, as the said Act came into force on 26th October, 2006, the application under Section 20 of the Act should be rejected.

Having regard to the settled position of law as pronounced by the Hon'ble Supreme Court in the case of *V. D. Bhanot –Vs- Savita Bhanot* reported in (2012) 3 SCC 183, I am of the view that the order so passed is bad in law and as such is liable to be set aside.

Accordingly, the order dated 24th March, 2011 is set aside. Consequently, the revisional application being CRR 2823 of 2011 is allowed.

Learned Magistrate is directed to proceed with the case as expeditiously as possible and if the same is pending, reconsider the interim application of the present petitioner.

Department is directed to communicate this order to the learned Judicial Magistrate, 1st Class, 2nd Court, Suri, Birbhum within a period of seven days.

All pending applications, if any, are consequently disposed of.

All parties are to act on the server copy of this order duly downloaded from the official website of this court.

(Tirthankar Ghosh, J.)