

07.03.2022

Item No.106
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 437 of 2019
(Via Video Conference)

Sri Swapan Kumar Roy
versus
The State of West Bengal & Anr.

In Re: An Application under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973.

Mr. Prantick Ghosh,
Mr. Siddhartha Sarkar,
Mr. Hirak Roy ... For the Petitioner.

Affidavit-of-service filed in Court today be kept on record.

This revisional application was preferred challenging the order dated 06.08.2018 passed by the learned Additional Sessions Judge, Fast Track Court-III, Barrackpore in Criminal Appeal No. 42 of 2017. The said order reflects that the learned appellate court was pleased to grant interim monetary relief to the wife in an application which was preferred before the learned Magistrate under Section 12 of the Protection of Women from Domestic Violence Act.

The petitioner being the husband preferred the present revisional application. The contention of the petitioner is that the opposite party no.2 is not his wife and is wrongly claiming reliefs under the Protection of Women from Domestic Violence Act. The present order has been passed by the learned appellate court which is by way of an interim measure during the pendency of the main proceedings under the provisions of law. It is for the parties to adduce evidence to substantiate

their claim. Accordingly, the present petitioner being the husband would either adduce evidence or rebut the evidence of the applicant before the learned Magistrate for establishing his claim that the applicant is not his wife. The same cannot be summarily decided by a court of law. The amount so awarded is an interim measure and as such, no interference is called for.

The learned Magistrate is directed to take necessary efforts for concluding the trial within a reasonable period of time preferably within a period of one year from the next date so fixed.

With the aforesaid observations, the revisional application being CRR 437 of 2019 is disposed of.

Interim order, if any, is hereby vacated.

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

All 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.)