

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

The Hon'ble **JUSTICE BIBEK CHAUDHURI**

CRR 2096 of 2022

Nabamita Nath Chakraborty

-Vs-

Arnab Chakraborty & Ors.

For the Petitioner: Mr. Somnath Roy Chowdhury, Adv.

For the State: Ms. Faria Hossain, Adv.

Heard on: 13th July, 2022.

Judgment on: 13th July, 2022.

BIBEK CHAUDHURI, J. : –

1. This is an application under section 483 of the code of criminal procedure and Article 227 of the Constitution of India praying for expeditious disposal of Miscellaneous Case No.371 of 2018 including interlocutory applications under Section 12 read with section 18/19/20/22/23 of the Protection of Women from Domestic Violence Act presently pending before the learned Judicial Magistrate, 1st Class, Municipal Court at Howrah.

2. On perusal of averment made in the instant revision and having heard the learned Advocate for the petitioner this Court is of the view that

the instant revision can be disposed of here and now with the assistance of the learned Advocate for the state.

3. Accordingly, Ms. Faria Hossain, learned Advocate is requested to assist this Court on behalf of the state. Appointment of Ms. Faria Hossain learned advocate be regularized by the learned Legal Remembrancer, Government of West Bengal.

4. It is stated by the learned advocate for the petitioner that the petitioner is the legally married wife of opposite party no. 1. Their marriage was registered under Special Marriage Act on 22.10.2014 and social marriage on 30.01.2015. The opposite party no. 1 with his newly married wife/petitioner went to Switzerland for his official work after about four months of marriage. While staying in Switzerland, the opposite party no. 1 physically assaulted her after consuming liquor. The opposite party no. 1 was addicted to liquor. After returning Kolkata, the drinking habit of the opposite party was increased and the petitioner was consistently subjected to continues with physical assault and mental torture towards the petitioner. Sometime in the month of October the petitioner was thrown out of her matrimonial house. The petitioner and her paternal family tried to mitigate the situation but in vain. On 6th December, 2017 the petitioner lodged a complaint before the District Protection Officer, Howrah.

5. Subsequently the petitioner filed the miscellaneous application in the year 2018 and on 2nd March, 2019 the learned Judicial Magistrate allowed the application for interim relief and directed the opposite party

no. 1 to pay monthly maintenance of Rs. 10,000/- from the date of the order.

6. The petitioner further filed an application under section 19 (d) of the Protection of Women from Domestic Violence Act which was adjourned for several dates i.e. 16.04.2019, 30.04.2019, 14.05.2019 and 05.07.2019. Misc. Case no. 371 of 2019 was fixed for hearing on 21st January, 2021 which was adjourned on several occasions from 09.09.2019 to 17.11.2020 due to non availability of original records. On 21.01.2021 and 01.03.2021 the hearing was adjourned on the prayer of the opposite parties. The next date was fixed on 16.12.2021 for hearing of the Misc case along with an application for enhancement of maintenance but it was again adjourned and next date was on 07.02.2022. The matter was further adjourned on 28.02.2022, 16.04.2022, and 05.05.2022.

7. The opposite parties also filed an application for expeditious disposal being CRR no. 2548 of 2021. Next date for hearing was fixed on 20.07.2022.

8. Under such circumstances, petitioner has prayed for expeditious disposal of the case.

9. Having heard the learned Advocate for the petitioner and the learned Advocate for the state and on perusal of the impugned orders dated 07.02.2022, 28.02.2022 and 05.05.2022 passed in Miscellaneous Case No.371 of 2018, it is found that it took nearly 10 months to file affidavit of asset by the opposite party. The learned Court below showed

extraordinary generosity to the opposite party in granting adjournments and dragged the final adjudication.

10. Therefore, The learned Judicial Magistrate is directed to expeditiously dispose of the Misc. Case along with other connected applications within a period of sixty days from the date of this order.

11. With the above direction the instant revision is disposed of.

(Bibek Chaudhuri, J.)