

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

CRR 3032 of 2022

**Sudeshna Das @ Sudeshna Das Saha
Vs.
Pintu Saha.**

**For the petitioner : Mr. Arindam Sen, Adv.
Mr. Saurav Basu, Adv.**

Heard on : 07.09.2022

Judgment On : 07.09.2022.

Bibek Chaudhuri, J.

The issue as to whether a Court of appeal can at the stage of admission of appeal alter interim maintenance allowance in the form of monetary relief in favour of the petitioner and her minor daughter and residential relief in favour of the house rent can alter such monetary relief ex parte, is germane in the instant revision.

It appears from the record that upon an application under Section 23 of the Protection of Women from Domestic Violence Act, the learned Magistrate, 3rd Court at Barrackpore passed an order directing the opposite party to pay monetary relief at the rate of

Rs.7,500/- each for the petitioner and her minor daughter per month total being Rs.15,000/- and a sum of Rs.7,000/- per month towards alternative accommodation as enjoyed by the petitioner and her daughter. The opposite party preferred an appeal before the learned Additional District Judge at Barrackpore which is registered as Criminal Appeal No.47 of 2022. The said appeal was transferred for disposal to the 4th Fast Track Court of the learned Additional Sessions Judge at Barrackpore. On 19th July, 2022, the learned Additional Sessions Judge passed an ex parte order reducing the monetary relief from Rs.15,000/- to Rs.5,500/- and also refusing grant of residential relief in favour of the petitioner.

The impugned order per se is illegal because of the fact that monetary relief or the residential relief passed in favour of a woman subjected to domestic violence cannot be reduced unilaterally. Be that as it may, learned Advocate for the petitioner submits that the petitioner will take part in the final hearing of the appeal if the same is fixed at an early date.

Considering such circumstances, the instant revision is disposed of directing the learned Trial Judge to fix criminal appeal No.47 of 2022 on or before 23rd September, 2022.

The learned Court of appeal is also directed to serve a notice intimating date of hearing of the appeal to the learned Advocate for the appellant.

Upon contested hearing, he is directed to take proper decision and issue in hand.

With the above direction, the instant revision is **disposed of**.

The petitioner is at liberty to act on the server copy of the order.

(Bibek Chaudhuri, J.)

***Mithun De/
A.R. (Ct).
SI No.146.
M/L.***