

24.11.2022

Item No.13

Ct.No.34

dc.

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

C.R.R. 3063 of 2022

**Smt. Chameli Roy (Mondal)
versus
The State of West Bengal & Anr.**

In Re: An Application under Section 482 of the Code of Criminal Procedure.

Mr. Kashiswar Ghosal ... For the Petitioner.

Md. Anwar Hossain,
Ms. Manisha Sharma ... For the State.

Learned advocate appearing for the petitioner submits that the petitioner preferred an application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 and till date, the same has not been disposed of.

Having regard to the plight of the present petitioner, Ms. Manisha Sharma, learned advocate, who ordinarily appears for the State, was directed to represent the State. Her appointment may be regularized by the concerned authorities.

I find that the application was preferred by the present petitioner claiming maintenance as also residential rights along with other reliefs. It has been submitted by the learned advocate appearing for the petitioner that till date, the petitioner is without any relief before the learned Magistrate and dates are being fixed for evidence without any progress. It has also been informed that the next date has been fixed on 16.01.2023.

Having regard to the fact that the provisions of the Protection of Women from Domestic Violence Act, 2005 was

brought into force keeping in mind the welfare concept of the nation and particularly, with regard to better reliefs than the normal laws could provide at the relevant period of time, I am of the opinion that delay in such cases is bound to cause injustice to the applicant.

Considering that the application is pending for more than four years, I direct the learned Magistrate to take all efforts so that trial of the case or interim orders or the interim prayers, if any, be considered and be disposed of by the learned Magistrate within three months of the next date so fixed by the learned trial court. In case, it is not possible to conclude the main proceedings within a period of three months, the learned court will consider interim prayers of the petitioner and dispose of the main application by December 2023.

With the aforesaid observations, the revisional application being CRR 3063 of 2022 is disposed of.

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.)