

Form J(1)

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

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

C.R.R. 3539 of 2022

***Smt.Arpita Barman
Vs.
The State of West Bengal & Anr.***

**For the petitioner : Mr. Pawan Kumar Gupta, Adv.
Ms. Sofia Nesar, Adv.
Mr. Santanu Sett, Adv.**

Heard on : 15.11.2022

Judgment On : 15.11.2022.

Bibek Chaudhuri, J.

The petitioner has filed the instant application praying for a direction upon the Court of Appeal for expeditious disposal of Criminal Appeal No.51 of 2020 filed by the opposite parties/husband under Section 29 of the Protection of Women from Domestic Violence Act, 2005. Considering the averment made in the instant revision and on perusal of the materials on record, this Court is of the view that the instant revision can be disposed of even without serving any notice to the opposite parties because if the revision is disposed of, no prejudice will be caused to the opposite party.

Indisputably, the present petitioner being aggrieved filed an application under Section 12 of the Protection of Women from Domestic Violence Act against the opposite party No.2 in the Court of the learned Additional Chief Judicial Magistrate at Alipore. Upon an application for interim monetary allowance filed by the petitioner, the learned Magistrate passed an order directing the opposite party No.2 to pay interim maintenance at the rate of Rs.75,000/- . The opposite party No.2 challenged the said order in appeal before the learned Sessions Judge, South 24-Parganas. The learned Sessions Judge while admitting the appeal directed the opposite party No.2 to pay monetary allowance at the rate of Rs.50,000/- per month in favour of the petitioner. The opposite party No.2 challenged the said order by filing a revision in this Court and the said revision (CRR No.345 of 2021) was disposed of directing the petitioner to pay monthly monetary allowance at the rate of Rs.15,000/- per month till the disposal of the Criminal Appeal No.51 of 2020 pending before the learned Sessions Judge, South 24-Parganas at Alipore.

It is pertinent to mention that CRR No.345 of 2021 was disposed of vide order dated 13th August, 2021.

Subsequent to 13th August, 2021, a series of dates were fixed for hearing of the appeal. Both the appellant and the respondent were directed to file affidavit of assets before the Appellate Court in

terms of the guidelines made by the Hon'ble Supreme Court in ***Rajnish Vs. Neha & Anr.*** reported in **(2021)2 SCC 324**. After long persuasion, the opposite party No.2 filed affidavit of assets. However, the learned Sessions Judge could not dispose of the appeal as the appellant/opposite party No.2 took adjournment on various pretext.

It is also submitted by the learned Advocate for the petitioner that the opposite party No.2 is not paying the amount fixed by this Court in CRR No.345 of 2021 towards monetary relief in favour of the petitioner.

Under such circumstances, the petitioner has prayed for expeditious disposal of the Criminal Appeal.

At the time of hearing, it is submitted on behalf of the petitioner that the next date is fixed on 18th November, 2022 for hearing of the appeal before the learned Sessions Judge at Alipore.

Since affidavit of assets have been filed by the parties, there is no predicament in disposing of the appeal on the basis of affidavit of assets.

Therefore, the learned Sessions Judge is requested to hear out and dispose of Criminal Appeal No.51 of 2020 on 18th November, 2022.

If the learned Sessions Judge remains otherwise busy either in judicial or administrative work on the next date fixed, he shall take all

endeavour to dispose of the Criminal Appeal positively by 24th November, 2022. No further adjournment shall be granted to either of the parties on any reason whatsoever.

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

The learned Advocate for the petitioner is also requested to serve a notice to the learned Advocate for the appellant/opposite party No.2 along with a copy of this order for his intimation and necessary action before the Court of Appeal by the opposite party No.2/appellant.

The instant revision is, thus, **disposed of.**

(Bibek Chaudhuri, J.)

***Mithun De/
A.R. (Ct).
SI No.20.***