

Form J(1)

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

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

CRR 431 of 2022

**Soumen Sardar
Vs.
The State of West Bengal & Anr.**

Ms. Barnali Saha
Mr. Shankha Shubhra Mukherjee
..for the petitioner

Item No. 36

Heard & Judgment on: 23.03.2023

Bibek Chaudhuri, J.

The only grievance of the petitioner is that due to misplacement or loss of the record of Complaint Case No. 3708 of 2011 being proceeded under Section 12 of the Protection of Women from Domestic Violence Act, 2005, further proceeding of the said case cannot be conducted and the petitioner is compelled to go on paying interim monetary allowance in favour of the opposite party which was granted in 2016 on suppression of fact that the opposite party has

independent income as a nurse working in a hospital. The main grievance of the petitioner is that the petitioner wants early disposal of the above mentioned case pending before the learned Judicial Magistrate, 6th Court at Alipore. However, for misplacement or loss of record, hearing of the case is in halt.

In view of such circumstances, the learned Chief Judicial Magistrate at Alipore is directed to obtain permission of the learned Sessions Judge, South 24 Parganas to reconstruct the record if the record is not available within three weeks from the date of communication of this order. For the reconstruction he is at liberty to issue notice upon the learned advocate for the parties and obtain necessary documents from them. After reconstruction of record, the reconstructed record shall be sent immediately to the learned Judicial Magistrate, 6th Court at Alipore for commencement of further hearing of the matter.

The instant revision is, thus, disposed of.

(Bibek Chaudhuri, J.)