

11-01-2023
Subha
Item no.18
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 315 of 2021

Rajkumar Jaiswal
-versus-
Neha Jaiswal & Anr.

Re : An application under Section 482 read with S.401 of the Code of Criminal Procedure.

Mr. Hareram Singh
Mr. Santu Paul
Ms. Shilpa Das

....for the petitioner.

The petitioner has challenged the judgement and order delivered in Criminal Appeal No. 42 of 2020 on January 6, 2020.

Record reflects that the application under Section 12 of the P.W.D.V Act, 2005 was filed in the year 2017, more than 5 years have passed.

The thrust of contention of the petitioner is that a divorced wife is not entitled to reliefs under Section 12 of the P.W.D.V Act, 2005.

The learned appellate court has come to the conclusion ...

“I am of the clear view that the petitioner before the Ld. Court below, being a divorced wife, can maintain an application u/s. 12 of the P.W.D.V Act, 2005 in respect of violence caused upon her during the subsistence of her marital relationship.”

The issues have been settled by the Hon’ble Supreme Court that a divorced wife is entitled to maintenance and residential

accommodation. Although the petitioner would be at liberty to controvert and/or contradict the issues concerned. The same are question of facts which are to be gone into by the trial court and the applicability of the provisions would emanate from the facts of each case.

Having considered the issue on which the present revisional application has been filed, there is no scope for interference by this court regarding a divorced wife being entitled to invoke the provisions of P.W.D.V Act, 2005 even after divorce.

There are other issues, which have been attempted to be canvassed before this court. However, this court do not intend to adjudicate the same as those points were neither canvassed before the learned Magistrate, nor before the learned appellate court. The petitioner would be at liberty to agitate such points at the appropriate stage before the learned trial court.

With the aforesaid observations, the present revisional application being **CRR 315 of 2021** is **disposed of**.

. Pending applications, if any, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]

