

Form J(1)

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

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

CRR 1049 of 2023

**Debadrita Chakraborty
Vs.
Tanmoy Thakur and Anr.**

Mr. Sanjoy Banerjee
Ms. Samriddhi Majumder
..for the petitioner

Item No.91

Heard & Judgment on: 11.04.2023

Bibek Chaudhuri, J.

Marriage of the petitioner with the opposite party No.1 was solemnized on 16th February, 2020. Subsequently, on 4th December, 2020 she gave birth to a girl child. After birth of the child she was discharged from the hospital and she came to her matrimonial home. However, she was not allowed in her matrimonial home. Therefore, she took shelter at her paternal home with the new born baby in the year 2022. She filed an application under the Protection of Women from Domestic Violence Act. The said case is now pending before the

learned Judicial Magistrate, 5th Court at Alipore being A.C. Case No. 145 of 2022. In the said proceeding the petitioner filed an application under Section 23 of the P.W.D.V. Act praying for interim monetary allowance. The trial Court has not disposed of the said application till date though the petitioner has filed an affidavit of assets and liabilities. It is the statutory mandate that an application under Section 23 of the PWDV Act is to be disposed of within one month from the date of filing. The learned Magistrate did not take any such expeditious step for disposal of the said application.

In view of such circumstances, the learned Magistrate, 5th Court at Alipore is directed to dispose of the application under Section 23 of the P.W.D.V. Act within one month from the date of communication of this order positively without passing any unnecessary order of adjournment in the case.

With the above order, the instant revision is disposed of.

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

(Bibek Chaudhuri, J.)