

Form J(1)

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

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

CRR 1185 of 2023

**Bipasha Dasgupta (Choudhury)
Vs.
The State of West Bengal & Ors.**

Mr. Ayan Bhattacharya
Mr. Apalak Basu
Mr. Nazir Ahmed
..for the petitioner

Item No.124

Heard & Judgment on: 18.04.2023

Bibek Chaudhuri, J.

Misc. Case No. 202 of 2019 being an application under Section 12 read with Sections 18/19/20/21/22/23 of the Protection of Women from Domestic Violence Act is pending before the learned Judicial Magistrate, 2nd Court, Barasat.

Suffice it to note that in CRR 1553 of 2022 by a Co-ordinate Bench of this Court passed an order on 6th May, 2022 requesting the

learned trial Court to conclude the proceeding in the impugned matter as expeditiously as possible without granting any unnecessary adjournment to any parties and by fixing shorter dates and in particular, to decide the question of interim maintenance allowance regardless of filing of affidavits of assets and liabilities, which in such event would be considered at the time of hearing of the main matter.

This Court directed the trial Court to dispose of the petition for interim monetary allowance within two months from the next date of hearing. However, the learned Magistrate remains unmoved even after receiving such direction of this Court.

Needless to say that showing obedience to the orders passed by the highest seat of judiciary of the State is the solemn duty of the learned Magistrate. Non-compliance of such order can be viewed as negligent and disobedience to the hierarchy.

Be that as it may, considering the fact that the learned Presiding Officer is a Judicial Magistrate and possibly a new entrant in the judicial service I refrain myself from taking any strong measure against the learned Magistrate. However, this time the learned Magistrate is not requested, but specifically directed to dispose of the application for interim monetary allowance within one month from the date of communication of this order. In order to comply with the order the learned Magistrate may prepone the date of hearing serving

notice to the learned advocates for both the parties. The learned Magistrate is also directed to dispose of the application under Section 12 of the PWDV Act within six months thereafter.

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

The instant revision is, thus, disposed of with the above order.

(Bibek Chaudhuri, J.)