

Form J(1)

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

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

CRR 1493 of 2022

**Raju Majumder and Anr.
Vs.
The State of West Bengal & Anr.**

Mr. Prabir Chatterjee
Mr. Ayan Bhattacharya
..for the petitioners

Item No. 38

Heard & Judgment on: 23.03.2023

Bibek Chaudhuri, J.

The husband/petitioner has assailed an order dated 5th March, 2022 passed by the learned Judicial Magistrate, 2nd Court at Barasat holding the application under Section 12 and other cognate provisions of the Protection of Women from Domestic Violence Act, 2005 maintainable.

It is the grievance of the petitioner that the learned Magistrate while passing the order did not consider the call details report (CDR)

of the opposite party/wife which, if taken into consideration, the Court ought to have held that the opposite party was never present in her matrimonial home from 5th February, 2014 till date.

I have gone through the impugned order. The opposite party/wife filed the application under Section 12 of the Domestic Violence Act in the year 2021 alleging domestic violence during the period between 2012 till 5th February, 2014. Admittedly, during the said period the wife used to stay with her husband. The learned Magistrate rightly observed that there is no limitation prescribed to institute a claim seeking relief under Sections 17 to 22 of the Protection of Women from Domestic Violence Act.

In view of such circumstances, I do not find any merit in the instant revision.

Accordingly, the instant revision is summarily dismissed.

(Bibek Chaudhuri, J.)