

Form J(1)

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

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

CRR 4168 of 2022

**Moumita Bangal (Adhikary)
Vs.
The State of West Bengal & Ors.**

For the petitioner : Mr. Rafikul Islam Sardar, Adv.

For the State : Mr. Abhisek Sinha, Adv.

Judgement on : 18.01.2023.

Bibek Chaudhuri, J.

This is an application for a direction for expeditious disposal of Misc. Case No. 417/2021 being a proceeding under Section 12(1) of the Protection of Women from Domestic Violence Act pending before the learned Judicial Magistrate, 3rd Court at Howrah.

It is submitted by the learned Advocate for the petitioner that the petitioner was physically and mentally tortured and thereafter she was compelled to file a case under Sections 498A/34 of the Indian Penal Code. She has been residing separately from her husband. In order to maintain herself and her minor son she prayed for interim monetary relief by filing an application on 7th September, 2021. An application for interim monetary relief under the Domestic Violence Act is required to be disposed of within three days from the date of

filing of the application. However, the statutory dictum has not been complied with by the learned Judicial Magistrate. It is further submitted that the husband/opposite party has appeared in the said proceeding and on his prayer the learned Magistrate is granting adjournment one after another.

The instant revision is disposed of directing the learned Magistrate to obtain affidavits of assets from both the parties within one month from the date of communication of this order and thereafter conclude the hearing of the application for interim monetary relief within one month.

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

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

(Bibek Chaudhuri, J.)

**Srimanta, A.R.(Ct.)
Item No. 92.**