

07.05.2024
Sl.No. 4
Ct. 32
P.A.

CRR 4417 of 2022
With
IA No.: CRAN 1 of 2023, CRAN 2 of 2024

Binapani Ghosh & Anr.

Vs.

The State of West Bengal and Ors.

Mr. Ayan Bhattacharjee,
Mr. Kunal Ganguly,
Mr. Tirupati Mukherjee

..... for the Petitioners

Ms. Faria Hossain,
Mr. Asif Dewan

..... for the State

Mr. Kallol Mondal,
Mr. Krishan Ray,
Mr. Souvik Das,
Ms. Anamitra Banerjee

..... for the Opposite Party No. 2

Present petitioners being the mother-in-law and father-in-law of the opposite party no. 2 filed this revisional application under Section 482 read with Section 401 of the Criminal Procedure Code, 1973 assailing the judgment dated 21st November, 2022 passed by the Learned Additional Sessions Judge, 2nd Court, Serampore, Hooghly in Criminal Appeal No. 05 of 2021 (CIS Criminal Appeal No. 21 of 2019) thereby dismissed the criminal appeal observing therein that the Court does not find any material to suggest that the

impugned order passed by the learned Judicial Magistrate is perverse or patently illegal.

While passing order by the learned Judicial Magistrate, 5th Court, Serampore, Hooghly, allowed an application filed by the opposite party no. 2/wife of proforma respondent herein under Section 12 of the PWDV Act, 2005 praying for reliefs under Sections 18, 19 and 20(d) of the Act and directed the proforma respondent/husband of the opposite party no. 2 to pay Rs. 20,000/- per month to the opposite party no. 2 for her maintenance as interim relief until further orders and same be payable within 7th day of each succeeding English calendar month, in default the opposite party no. 2 at liberty to put the same into execution.

It was further directed to all the respondents including the husband to refrain from doing the following acts as under:

- a) Committing any act of domestic violence;
- b) aiding or abetting in the commission of acts of domestic violence; in any manner whatsoever.

All the respondents are further hereby specifically and individually directed as under:

- a) Not to create any obstruction in the access of matrimonial house.

b) Not to evict the petitioner from the shared household being the matrimonial home of the petitioner.

c) Not to alienate the house property of Uttarpara situated at 7, Amritalal Chatterjee Sarani, PO & PS Uttarpara, Dist-Hooghly during pendency of this case.

Hence, the present petitioners being the parents-in-law feeling aggrieved by and dissatisfied with the impugned judgment and order as aforesaid filed this revisional application.

During hearing, the learned advocates for both the parties proposed this Court to remand back this case to the learned Magistrate to decide afresh only with regard to the relief granted to the opposite party no. 2/wife to access the matrimonial house situated at 7, Amritalal Chatterjee Sarani, PO & PS Uttarpara, Dist-Hooghly subject to payment of Rs. 12,500/- per month for alternative accommodation to the wife to avoid further litigations between the parties till disposal of M.C. Case No. 275/2019.

It is further submitted that this Court has initially stayed the proceeding of MC Case No. 275/2019 on condition that the husband shall go on paying monthly allowance @ Rs. 20,000/- per month to the opposite party no. 2/wife as directed by the learned Trial Court till the disposal of the instant revisional application. That will be continued as usual

till disposal of M.C. Case No. 275/2019. The present petitioners are ready to pay an amount for alternative accommodation to the opposite party no. 2 in view of Sections 19 sub-section (1) (f) to the tune of Rs. 12,500/- per month to the opposite party no. 2/wife till the disposal of the aforesaid MC case.

Considering the submissions of both the parties and nature of reliefs sought for by the petitioners herein, it would be appropriate to remand back this case to the learned Magistrate in the interest of both the parties and for end of justice.

The learned Court below is directed to decide the case and finally conclude in its logical conclusion as expeditiously as possible without being influenced of observations made herein above, if any, by this Court because this Court does not enter into the merit of this case. So, there can be at least some quietus acrimonious litigation pending between the parties.

With the above observations, criminal revisional application being **CRR No. 4417 of 2022** is, thus, disposed of without order as to costs. Consequently, **CRAN 1 of 2023** and **CRAN 2 of 2024** are also, thus, disposed of.

Department is directed to communicate this order to the learned trial Court immediately for information. Parties are directed to co-operate with the learned Court below in disposal of the case as expeditiously as possible.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties as expeditiously as possible taking all legal formalities.

(Ajay Kumar Gupta, J.)