

18.07.2025
SL No.8
Court No.32
S.Gayen

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE**

CRR 374 of 2024
with
CRAN 1 of 2024

**Smt. Gita Singh alias Geeta Singh
Versus
State of West Bengal & Anr.**

Mr. Chittapriya Ghosh

...for the Petitioner

Mr. Anirban Dutta
Mr. Aditya Roy
Mr. Younus Sultan

...for the Opposite Party No.2

In Re: CRAN 1 of 2024

1. Learned counsel appearing for the petitioner has submitted that this is an application under Section 5 of the Limitation Act for condonation of delay of 69 days in filing the revisional application.
2. Heard both sides.
3. On perusal, the grounds as given in the application for condonation of delay are found to be satisfactory. Accordingly, the delay in filing the revisional application is hereby condoned.
4. Thus, the application being CRAN 1 of 2024 stands disposed of.

In Re: CRR 374 of 2024

5. This revisional application has been filed assailing the judgment and order dated 23.08.2023 passed by the learned Additional Sessions Judge, Fast Track 1st Court, Serampore, Hooghly in connection with Criminal Appeal No. 17 of 2021, wherein the

learned Judge dismissed the appeal by affirming the order dated 02.11.2021 passed by the learned Judicial Magistrate, 5th Court, Serampore, Hooghly.

6. The learned Magistrate disposed of an application under Section 23(2) of the Protection of Women from Domestic Violence Act, 2005 (for short PWDV Act) *ex parte* by refusing the said application on the ground of a dispute which is a civil in nature. That order was assailed in appeal, wherein the learned Appellate Court affirmed the order passed the learned Magistrate.
7. Therefore, the interim order passed by the learned Judicial Magistrate was further affirmed by the learned Appellate Court.
8. Now it is submitted that the application under Section 23 of the PWDV Act has already been disposed of in the presence of both sides and from that point of view, the instant application assailing the interim order in process of Section 23 of PWDV Act has become infructuous.
9. However, the learned counsel appearing for the petitioner has submitted that the observation of the learned Trial Court as well as the learned Appellate Court should not be taken into account at the time of disposal of the application under Section 12 of the PWDV Act.
10. Petitioner is at liberty to raise this particular issue before the learned Trial Court at the time of hearing of the application under Section 12 of the PWDV Act.
11. In the aforesaid view of the matter, the revisional application stands dismissed being infructuous. However, I would like to make

it clear that this Court did not enter into the merit of the dispute between the parties.

12. The learned Trial Judge is requested to dispose of the case as expeditiously as possible without affording any unnecessary adjournment to either of the parties.
13. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.
14. Urgent Photostat certified copy, if applied for, be given to the parties upon compliance with all requisite formalities.

(Bibhas Ranjan De, J.)