

CRR 2106 of 2025

**Shri Sandipan Dey
Vs.
Smt. Srirupa Dutta Dey**

Mr. Dhruvaneel Biswas
Mr. Sandeepan Dutta
Ms. Subhasri Chatterjee
Mr. Subhadeep Maitra ... for the Petitioner

Challenging the impugned order passed by the learned Additional District Judge, Ranaghat in Criminal Appeal no. 6 of 2025 dated 6th February, 2025, the present revisional application has been preferred by the petitioner/husband against his wife.

The petitioner's contention is that the petitioner being an Indian army, got posted in different parts of India and got married with the opposite party herein on 6th February, 2016. However, soon after the marriage, the matrimonial discord started between the petitioner and the opposite party and as a result, the couples started living separately since 2019. The petitioner has made his best efforts to settle the matrimonial discord, but it did not succeed and for which he has preferred an application under Section 27(i)(d) of the Special Marriage Act, 1954 before the Uttarakhand Court seeking dissolution of marriage.

The opposite party herein/wife filed an application under Section 125 of the Code of Criminal Procedure before the court of learned Judicial Magistrate, Kalyani being Misc. case no. 204 of 2022 claiming maintenance. Thereafter, being aggrieved by the maintenance order passed by the learned Judicial Magistrate, Kalyani, the petitioner herein filed a Revisional application before

the learned Additional District Judge, Kalyani and the revisional Court has been pleased to direct the petitioner to pay an amount of Rs. 15,000/- per month to the opposite party and accordingly, the petitioner is paying maintenance to the opposite party herein.

He further submits that from every documents relied by the opposite party herein in different proceedings, it is apparent that the opposite party herein is a resident of B-1/494, Babai Abasan, P.O & P.S. Kalyani, Nadia and for which , she also filed maintenance proceeding under Section 125 of the Code before the Kalyani court.

However, though the opposite party/wife does not reside within the jurisdiction of Ranaghat court but she had filed one application under the provision of Protection of Women from Domestic Violence Act before the learned Judicial Magistrate, 3rd court, Ranaghat being instant Misc. case being no. 29 of 2023. He further submits that in order to create jurisdiction of Ranaghat court, the opposite party/wife herein relied upon ration card which is not a document in support of her residence. Accordingly, the petitioner herein challenging the jurisdiction, filed an application before the Ranaghat court contending that the application under the provision of Act of 2005 is not maintainable before the learned Judicial Magistrate, 3rd court, Ranaghat. The trial court by an order dated 19.12.2024, rejected the petitioner's prayer for non-maintainability of the said proceeding.

Being aggrieved by that order, the petitioner herein preferred an appeal before the court below being criminal appeal no. 6 of 2025 wherein the court below by the impugned order dated 6.2.2025, rejected the petitioner's prayer for suspending the

proceeding before the Ranaghat court as according to the court below, the petitioner has ample opportunity to seek transfer to either of the proceeding to any of the said courts. Being aggrieved by that order, the petitioner herein referred a gazette notification issued by the Govt. of India dated 20th March, 2015 which states that ration card shall not be used as a document of identity or proof of residence. In this context, he relied upon a judgment of ***Mohammad Hakim & Anr. Vs. Delhi Development Authority*** decided by the High Court of Delhi on 29th February, 2024 wherein it was held that the intent of issuance of ration card is for distribution of essential food items by public distribution system and it does not intent of being used as an identity proof or address proof. The petitioner also relied upon the address given in the aforesaid proceeding initiated by the opposite party under Section 125 of the Code and also Adhaar card of the opposite party, affidavit sworn by opposite party, which states that the opposite party resides within the jurisdiction of Kalyani court.

It further appears from the record that though the copy of the application has been served upon the opposite party but the opposite party is not represented to refute the allegation made by the petitioner herein in the application.

Having considered the submissions made by the petitioner, it appears to me that Ranaghat court as well as the Kalyani court situates under the same Sessions Division of Nadia District. Since the documents relied by the petitioner prima facie discloses that the petitioner's residence is within the jurisdiction of Kalyani court, I find that if the said application initiated under Section 12 of the Protection of Women from Domestic Violence Act and

pending before the Ranaghat court, is transferred to the court of learned Judicial Magistrate, Kalyani, where her another proceeding under Section 125 of the Code is pending, neither party will have any cause to prejudice.

In such view of the matter, the present application CRR 2106 of 2025 is hereby disposed of with a direction upon learned District Judge, Nadia at Krishnanagar to withdraw the Misc. case being no. 29 of 2023 from the court of learned Judicial Magistrate, 3rd Court, Ranaghat and to transmit the same to the court of learned Judicial Magistrate, Kalyani within 15th November, 2025.

The transferee court shall proceed with the said proceeding filed under the provision of Act of 2005 from the stage where it reached till date. The learned Judicial Magistrate, Kalyani shall also proceed with the proceeding under DV Act after intimating the next date of hearing to both the parties.

Let a copy of this order be sent to the learned District Judge, Nadia for compliance.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of the all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)