

18.09.2025
Ct. No. 446
Item No.13
KS

C.R.R. 3806 of 2025

In the matter of: **Neha Soni**

..... Petitioner

Mr. Abhijit Chowdhury

....For the Petitioner

1. This instant criminal revisional application has been filed under Section 529 readwith Section 528 of the B.N.S.S., 2023 for expeditious disposal of the Criminal Appeal No.07 of 2024 in connection with DV Case No.18 of 2023 passed by the learned Judicial Magistrate, 6th Court, Sealdah under Section 23 of the D.V. Act, 2025, which is pending before the learned Additional District & Sessions Judge, 1st Fast Track Court at Sealdah..
2. It is the case of the petitioner that the complaint under Section 23 of the P.W.D.V. Act, 2005 was filed against the opposite party before the learned Additional Chief Judicial Magistrate at Sealdah, which was registered as Case No.18 of 2023 and the matter was head on 23rd March, 2023.
3. After considering the facts and circumstances and after going through the materials on record, the learned 6th Judicial Magistrate took cognizance of the said complaint case and transferred the same before the learned 6th Judicial Magistrate at Sealdah. The said Court passed an interim order of maintenance of Rs.35,000/- to the petitioner on 3rd October, 2024.
4. Being aggrieved thereby, a criminal appeal was filed by the husband before the learned Additional District and Sessions Judge, 1st Fast Track Court, Sealdah and since thereafter, the matter is pending.
5. It is further submitted that the appeal was filed alongwith an application for condonation of delay. But, till date, such application for condonation of delay has also not been entertained. Interestingly, the learned Court directed the copy of the stay application to be served upon the present petitioner without annexures and she received 56 grams of envelope, which was only the stay application. No copy of Section 5 application has been served upon

her and, therefore, she is in dark regarding the number of days delay in filing of such appeal.

6. It is further submitted that the husband is paying only Rs.8,000/- per month instead of Rs.35,000/-, which was directed to be deposited by the learned Judicial Magistrate, 6th Court, Sealdah and she is financially distressed and is harassed regularly because of long pendency of the matter.
7. Having heard the learned counsel appearing for the petitioner and on a careful perusal of the certified copy of the order-sheets filed alongwith this revisional application, it is seen that the appeal alongwith application for stay and the application under Section 5 of the Limitation Act was filed on 06.12.2024 and the case thereafter was transferred before the learned A.D.J., F.T.C. – 1, Sealdah and the said learned Court received the same on 07.12.2024 fixing the date of hearing of application filed under Section 5 of the Limitation Act.
8. Meantime, on 4th January, 2025 by virtue of a put up petition, the said stay application was heard in part and the date was fixed on 8th January, 2025 for further hearing of the stay petition and since, thereafter, neither the stay petition was heard nor the Section 5 application was taken up for hearing as it appears from the various orders passed by the learned Court.
9. Curiously enough, in this matter, the respondent has filed the written objection on 29th January, 2025 despite that the learned Court kept the matter pending for further hearing of stay application without even making effort to condone the delay in preferring such appeal. It is unfortunate that the learned Court failed to consider that the respondent being the wife having no sufficient means to maintain herself and the learned Court allowed an amount of Rs.35,000/- towards maintenance considering her case, which has been challenged before the Court and, therefore, the delay in hearing the criminal appeal is indulging the appellant/husband not to pay the entire amount under the garb of pendency of such criminal appeal. As a result, the

matter is also being not proceeded with by the learned Judicial Magistrate, 6th Court, Sealdah since the matter is pending before the learned Appellate Court.

10. Having heard the learned advocate appearing for the petitioner and on a careful perusal of the materials on record, as placed before his Court and considering the number of dates already given, the learned Court is directed to make all endeavour to dispose of the said Section 5 application first and if such application is allowed, then the stay application and also the criminal appeal as expeditiously as possible without granting any unnecessary adjournment to either of the parties and taking all such further appropriate steps, which may cause hindrance in disposal of the case expeditiously.
11. It is further directed that the Section 5 application and the stay application must be heard on the next date fixed by the learned Court without granting any unnecessary adjournment to either of the parties.
12. It is made clear that in case of no such situation arises for which the matter could not be taken up on the date fixed, the same will be disposed of within a month thereafter positively and also to take other necessary steps so that the case can be completed within a reasonable time.
13. In view of the above observation, the instant criminal revisional application stands disposed of.
14. Let a copy of this order be send to the learned Trial Court for necessary information and compliance.
15. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(CHAITALI CHATTERJEE (DAS), J.)