

**In the High Court at Calcutta
Criminal Revisional Jurisdiction
Appellate Side**

Present :

The Hon'ble Justice Ajay Kumar Gupta

CRR No. 3256 of 2015

Mamtaj Begum

Vs.

State of West Bengal & Anr.

Taken up on : September 03, 2025.

Judgment on: September 03, 2025.

Ajay Kumar Gupta, J:-

1. The petitioner, being the wife of O.P. No. 2, challenged the impugned orders dated 26.08.2015 and 09.09.2015 passed by the learned Additional Chief Judicial Magistrate, Tehatta, Nadia in M.R. Case No. 134(IV)/2009 under Section 19 of the Protection of Women from Domestic Violence Act, 2005 thereby the petitioner was shifted to the rented accommodation at once.

2. None appears on behalf of either of the parties. No accommodation is sought for. Even on earlier occasion, none appears on behalf of either of the parties.

3. This case is pertains to the year 2015. Almost 10 years have already been passed.

4. Having regard to the nature of the prayer and the long pendency, this Court proceeds to dispose of the revision on merits on the basis of materials available on record.

5. Upon perusal of the record as well as impugned order dated 26.08.2015 as well as order dated 09.09.2015, it reveals that the petitioner herein had initiated a proceeding under Section 19 of the Protection of Women From Domestic Violence Act, 2005.

6. The Trial Court, after hearing the parties, passed a residence order in favour of the petitioner on 29.08.2009. The said order was challenged before the learned Additional District and Sessions Judge, Fast Track Court, Tehatta, Nadia, who, upon hearing, affirmed the order of the Trial Court.

7. The matter was thereafter taken before the High Court at Calcutta. The High Court, after hearing the parties, modified the order by directing the opposite party/husband, Firoz Mohammad Molla, to arrange for rented accommodation consisting of two rooms with kitchen and latrine for the petitioner and to pay advance rent for at least three years.

8. Pursuant thereto, the opposite party arranged the tenanted premises where the petitioner, along with her child, started

residing. Rent was paid till 31.03.2015. Thereafter, the petitioner alleged that the opposite party had not arranged for extension of the lease agreement. However, records disclose that the opposite party had, in fact, extended the lease of the said premises in compliance with the directions of the High Court.

9. Notwithstanding the above, the petitioner attempted to reside in the matrimonial house. Since the opposite party had already arranged the rented accommodation and extended the lease, the Trial Court, by order dated 26.08.2015, directed her to shift to the rented accommodation forthwith. By a further order dated 09.09.2015, the Trial Court directed the Investigating Officer, Tehatta P.S., to ensure compliance with the order dated 26.08.2015, if necessary, by evicting the petitioner from the matrimonial house. These are the impugned orders under challenge.

10. On a consideration of the record and the orders impugned, this Court does not find any illegality or perversity therein. The petitioner was obliged to shift to the rented accommodation arranged by the opposite party in compliance with the directions of the Trial Court as modified by the High Court.

11. Accordingly, the instant revisional application being **CRR 3256 of 2015** is **dismissed**.

12. There shall be no order as to costs.
13. Parties to act upon the server copy and urgent photostat certified copy of this order be given on usual terms and conditions.

(Ajay Kumar Gupta, J.)

AMR