

25.06.2026

Serial no. 46

[Srimanta]

Ct. No. - 29

CRR 1001 of 2026

In re : An Application under Sections 482 of the Code of Criminal Procedure, 1973 corresponding to Section 528 of the Bharatiya Nagarik Sureaksha Sanhita, 2023

-And-

In the matter of : SUBINITA SAMANTA

... .. Petitioner

*Mr. Mit Guha Roy,
Mr. Sayan Sarkar, Advocates*

... .. For the Petitioner.

1. Petitioner herein has prayed for expeditious disposal of proceeding filed under Section 12 read with Section 23(1) of the Protection of Women from Domestic Violence Act, 2005 being Misc. Case No. 311/2022 corresponding to Misc. No. 236/2022 pending before learned Judicial Magistrate, 2nd Court, Barrackpore.
2. Being aggrieved by the inordinate delay in disposal of the said proceeding including the interlocutory application filed therein, learned Counsel for the petitioner submits that the petitioner herein preferred the application under Section 12 of the Act of 2005 on 26.09.2022. Thereafter, on 24th November, 2022 the petitioner's application under Section 23(2) of the Act of 2005 was disposed of with a direction upon the opposite party herein to pay monthly maintenance of Rs.20,000/- per month for the minor child from the date

of filing of the application. Thereafter, the opposite party/husband appeared. The petitioner preferred application under Section 23(1) of the Act of 2005 on 22nd June, 2023. Since then the said application is pending for disposal. Therefore, the petitioner has prayed for necessary direction upon the Court below for expeditious disposal of the said application as well as the proceeding initiated under Section 12 of the Act of 2005.

3. Having heard learned Counsel for the petitioner, it appears that the prayer made by the petitioner is innocuous and if it is allowed in terms of the prayer made in the application the opposite parties will have no cause to prejudice and as such service of copy of application upon the opposite parties is dispensed with.
4. Having considered submission made on behalf of the petitioner and that the application filed by the petitioner under Section 23(1) of the Act of 2005 is pending for disposal for more than three years, I find that the prayer made by the petitioner is justified and required to be allowed to secure the ends of justice. In view of above, the instant application being CRR/1001/2026 is hereby disposed of with a direction upon the Court below to dispose of the petitioner's application filed under Section 23(1) of the Act of 2005 preferably within a period of three months from the next date of hearing and thereafter to make every

endeavour to conclude the proceeding being Misc. Case No. 311/2022 corresponding to Misc. Case No. 236/2022 at the earliest.

(Dr. Ajoy Kumar Mukherjee, J.)