

23.02.2026
Ct. No. 22
Sl. No.35
SG

In the High Court at Calcutta
Criminal Revisional Jurisdiction

C. R. R. 4694 of 2022
with
CRAN 1 of 2023
With
CRAN 3 of 2024

In Re: ***Biswajit Roy.***

... Petitioner

The Court:

1. This revisional application, preferred under Section 401 read with Section 482 of the Code of Criminal Procedure, is directed against the order dated 14.10.2022 passed by the Learned 4th Judicial Magistrate, Howrah, in Misc. Execution Case No. 7 of 2022. The said execution proceeding emanates from an order dated 11.11.2021 passed by the same Court in Misc. Case No. 423 of 2019, being a proceeding under the Protection of Women from Domestic Violence Act, 2005.
2. The trajectory of this litigation reveals a palpable lack of diligence on the part of the litigants. The application was moved on December 20, 2022, and first appeared in the list on May 18, 2023. Since then, the matter has suffered multiple adjournments. The Learned Advocate for the petitioner last appeared on January 17, 2025.
3. When the matter is called on today, none appears to represent the parties. It is observed from the record that the parties remained unrepresented even on previous occasions. This Court had explicitly directed the parties to ensure their

presence today, failing which the matter would be adjudicated on the basis of the materials available on record. Despite such peremptory direction, the silence from the bar remains absolute.

4. In view of the persistent default in appearance, this Court has meticulously perused the revisional petition and the impugned order to ascertain if there exists any jurisdictional error or perversity that warrants the invocation of this Court's inherent powers.
5. The impugned order arises out of a Misc. Execution Case, which is the legal machinery employed to give effect to the protections and maintenance awarded under the D.V. Act.
6. Upon a close scanning of the materials on record, this Court finds that the Learned Magistrate was well within her jurisdiction to proceed with the execution of the order dated 11.11.2021. The petitioner's challenge to the execution, without successfully assailing the parent order in a higher forum or establishing a change in circumstances, appears to be an attempt to stall the process of law.
7. The inherent powers of the High Court are to be exercised to prevent the abuse of the process of any Court or to secure the ends of justice. It cannot be used as a tool to perpetuate the non-compliance of welfare legislation like the D.V. Act.
8. As the petitioner has failed to bring forth any cogent material or legal ground to suggest that the Learned Magistrate exceeded her jurisdiction or acted with gross perversity, this Court finds no substance in the challenge. Revisional

jurisdiction is not intended for a re-appreciation of facts where the primary court has acted within its legal bounds.

9. Justice delayed is justice denied, particularly in matters of domestic violence where the victim often relies on the execution of such orders for survival. The failure of the petitioner to prosecute the matter over several years reinforces the conclusion that the petition lacks merit.

10. Accordingly, it is ORDERED:

- i. I do not find any substance to interfere with the order of the Learned Magistrate. The revisional application, being C.R.R. No. 4522 of 2022, is hereby dismissed on the basis of the materials available on record.
- ii. Any interim order granted earlier in connection with this case stands vacated with immediate effect.
- iii. In view of the dismissal of the main revisional application, the connected applications, being CRAN 1 of 2023 and CRAN 3 of 2024, are also dismissed.
- iv. Let a copy of this judgment and order be transmitted to the Learned 4th Judicial Magistrate, Howrah, for information and necessary action regarding the completion of the execution proceedings.

(Uday Kumar, J.)