

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA

Circuit Bench at Jalpaiguri
Appellate Side
CRIMINAL REVISIONAL JURISDICTION

Present:

The Hon'ble Justice Jay Sengupta

C.R.R. 121 of 2026

Aparna Sen

-vs-

Nitai Ch. Sen & another

For the Petitioner : Mr. Satarudriya Mukherjee
Ms. Tannu Agarwal

For The State : Mr. Aditi Shankar Chakraborty,
Ld. APP
Mr. Nilay Chakraborty, Ld. APP

Heard on : 25.03.2026

Judgment on : 25.03.2026

Jay Sengupta, J.:

This is an application seeking expeditious hearing of the petitioner's application under Section 23 of the Protection of Women from Domestic Violence Act filed before the learned Judicial Magistrate, 1st Court, Cooch Behar and in the alternative, for transfer of the same to any other learned Judicial Magistrate for the ends of justice.

A copy of this application is served in Court upon the learned counsel for the State.

No prejudice will be caused to anyone if the present application for expeditious hearing or for transfer for such purpose is taken up for consideration without serving notice to anyone else.

Learned counsel appearing on behalf of the petitioner submits as follows. By an order dated 14.01.2026 passed by a Co-ordinate Bench of this Court in CRR 12 of 2026, the learned Magistrate was directed to consider whether an application under Section 23 of the PWDV Act was pending or such application was freshly filed and then dispose of the same within two months from the date of filing of such

application. In spite of this, the learned Magistrate is deliberately flouting the Court's order and not deciding the application. In fact, the petitioner is not being allowed to take certified copies of the order-sheet. The learned Magistrate is not even signing the order sheet or uploading them. The petitioner was constrained to rely only on screenshots available from the website.

Learned counsel appearing on behalf of the State submits that the State would not come in the way if a direction is passed to expedite the matter or transfer the case for expeditious disposal.

It is indeed very surprising that the order passed by a Co-ordinate Bench of this Court on 14.01.2026 in CRR 12 of 2026 has not been complied with till now.

It also appears that orders of the concerned Court are not being uploaded in time.

In view of the above and in the interest of justice, let the case be transferred to the learned CJM, Cooch Behar forthwith along with all records. The learned CJM shall hear the parties and dispose of the application under Section 23 of the PWDV Act in

accordance with law and as expeditiously as possible, preferably within two months from the date of receipt of the records.

A copy of this order shall be sent to the learned District and Sessions Judge for his record.

With these observations and directions, the revisional application is disposed of.

Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)