

In the Court of District & Sessions Judge, Bankura

Present : Mir Rashid Ali (WB00701)

District & Sessions Judge, Bankura

Criminal Appeal No. 20/2025

Filing No. Cr. Appeal./1145/2025

Reg. No. 20/2025

CNR No. WBBK01-001757-2025

1. Sekh Jiyab Nesha Revisionists / Petitioners

Vs.

1. Mahila Khatun Mondal

2. Ismail Mondal

3. Ibrahim Mondal @ Isah Hoque Mondal

4. The State of West Bengal Respondents / Opposite Parties.

Order No. 02
20.08.2025

This is a Criminal Appeal filed on behalf of the appellant being aggrieved by and dissatisfied with the order/judgement dated 30.04.2025 passed by Ld. Judicial Magistrate, 6th Court, Bankura in connection with Misc. Case No. 195/2022, on the grounds stated therein.

Ld. Advocate for the appellant has filed another petition to be set aside the impugned judgement dated 30.04.2025 passed by Ld. Judicial Magistrate, 6th Court, Bankura in connection with Misc. Case No. 195/2022.

One certified copy of the impugned order/judgement is also filed on behalf of the appellant.

Ld. Advocate for the appellant has moved the petition filed u/s 5 of Limitation Act 1963 which is the subject matter of discussion and consideration.

The brief fact of dispute in question is that one Sekh Jiyab Nesha (aggrieved person) filed an application u/s 12 of Protection of Women from Domestic Violence Act, 2005.

The Ld. Court after contested hearing dismissed the application u/s 12 of Protection of Women from Domestic Violence Act, 2005 and hence, the appeal.

Now, by filing this application u/s 5 of the Limitation Act 1963, it is submitted that there is a delay caused in filing the appeal by ten days on the ground that 1) the appellant being widow and illiterate has no financial support, 2) appellant living in remote village is not aware of any legal remedy for her and 3) the appellant fell into stress and following the adverse order/judgement.

The Ld. Lawyer by pressing the application submits that the order/judgement as passed is not tenable in the eye of law. It is also submitted that the appellant has fair chance to set aside the order/judgement passed by the learned Judicial Magistrate, 6th Court, Bankura.

It is also submitted that the opposite parties will have no reason to be prejudiced if the appeal is allowed, so that the real issue in controversy can be pressed before the court for better adjudication.

Perused the petition supported by an affidavit.

I am of the view that the real matter in controversy can only be placed before the court, if the opportunity is provided to the appellant.

I am also of the view that the delay as shown is reasonable and justified.

More so, I have no reason to disbelieve the same at this stage.

I am also of the view that the real matter in controversy can be entertained after appearance of the opposite party.

Hence, the petition u/s 5 of Limitation Act is considered and allowed.

Call for the T.C.R.

Issue notice upon the Opposite Parties.

Fix **01.11.2025** for awaiting receipt of TCR, S/R and appearance.

Send a copy of this order to Ld. JM, 6th Court, Bankura for information.

Dictated and corrected by me

Sd/- Mir Rahid Ali

Sessions Judge, Bankura

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