

CRR 1099 of 2020
With
IA No.CRAN/1/2020 (Old No.CRAN/3534/ 2020)
(Via Video Conference)

Sri Umesh Chandra Maity
Vs.
Sri Mukul Kanti Giri

Mr. Subhajit Chowdhury
Mr. Debasis Kar
.....For the Petitioner

The petitioner undertakes to affirm and stamp the petition as per the Rules within 48 hours of resumption of normal functioning of the court. The petition is taken up through videoconference on the basis of such undertaking.

The affidavit of service be kept on record.

Nobody is present for the opposite party.

This is an application under Section 482 of the Code of Criminal Procedure seeking expeditious disposal of a pending Misc. Case No. 13 of 2016 under Section 127 Cr. P. C. together with a direction requiring opposite party to deposit Rs. 57,500/- being the arrear amount of maintenance to the bank account of the petitioner.

The grandson of the petitioner was favoured with Rs.3,000/- per month, as maintenance, in connection with a proceeding under Section 125 Cr. P. C. registered as M. Case No. 425 of 2009. It was disposed of on 13th May, 2010. Subsequently

the prayer for enhancement was made under Section 127 Cr. P. C., registered as Misc. Case No. 3 of 2012 which was allowed ex parte on 23.12.2014 enhancing the maintenance allowance from Rs.3,000/- to Rs.5,000/- with effect from the date i.e. 23.12.2014.

Learned advocate for the petitioner drawing attention to the para 5 of the instant revisional application submits that he has filed another Misc. Case being No. 13 of 2016 under Section 127 Cr. P. C. with a prayer for further enhancement of maintenance allowance @Rs.8,000/- per month. The said Misc. Case is pending before the learned Judicial Magistrate, 5th Court, Barrackpore.

It is further submitted by the learned advocate for the petitioner that an amount of Rs.57,500/- is lying due, for which a Money Execution Case being No. MEX Case No. 57 of 2014 has already been filed. In view of the Pandemic surfacing all over the country, learned advocate for the petitioner fairly submits that the outstanding amount may be directed to be deposited by the opposite party in the bank account of the petitioner, under whose custody the grandson is now residing, and in whose favour the opposite party has been directed to pay the maintenance amount per month for his own son. It is thus focussed that for want of money, the son of the opposite party is made to face extreme financial crisis. Since an expeditious direction has been sought for together with recovery of the outstanding amount of Rs. 57,500/-, the court is of the view that

this revisional application may be disposed of giving a direction to the trial court, before which Misc. Case No. 13 of 2016 under Section 127 of Cr. P. C. and MEX Case No. 57 of 2014 are pending after ascertaining the outstanding amount pertaining to MEX Case No. 57 of 2014. And after ascertaining the outstanding amount, the same may be directed to be deposited in the bank account of the petitioner directly during the Covid-19 period. The trial court is further directed to dispose of the pending Misc. Case being No. 13 of 2016 under Section 127 Cr. P. C. in an expeditious manner after normal functioning of the court is resumed.

Both the Misc. Case No. 13 of 2016 and MEX Case No. 57 of 2014 praying for recovery of Rs. 57,500/- are to be disposed of providing sufficient opportunity of hearing to either of the parties of this case and after ascertaining the outstanding amount still lying due to be recovered.

The court is of the firm belief that with this order there will be no prejudice caused to the opposite party.

With such directions, the revisional application stands disposed of. The connected application is also disposed of.

The petitioner is also directed to furnish the bank account to the opposite party in the meantime, if the same is not available to the opposite party with notice upon the court. The petitioner is also given liberty to furnish the bank account of the petitioner before the trial court for making it available to the opposite party for crediting the outstanding amount after the

same is ascertained by the trial court.

(Subhasis Dasgupta, J.)