

24.06.2021

Item no.18

Ct. No.34

CHC

C.R.R. No.1592 of 2015
IA NO: CRAN/2/2015 (Old No. CRAN/3898/2015)
CRAN/3/2016 (Old No. CRAN/1692/2016)
(not in file)

(Through video Conference)

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973.

AND

In the matter of:-

Rishi Kumar Paul
... petitioner

Mr. Kaushik Gupta

...for the opposite party

The present revisional application was preferred at the instance of the petitioner/husband seeking a stay over the proceedings initiated under Section 125 of the Code of Criminal Procedure.

It is reflected from the order dated 24th February, 2015, that the learned Magistrate after considering the authorities was pleased to arrive at a finding, thereby rejecting the application for maintainability filed at the instance of the petitioner/husband.

Records of this revisional application reflect that by an order dated 08.06.2015, there was an interim order of stay for a period of eight weeks. Thereafter, the said interim order by an order dated 24.09.2015 was extended for a further limited period of four

weeks after puja vacation of the said year. However, for more than five years, I find that the interim order has not been extended. No information has been furnished before this Court regarding the present stage of proceedings which are pending before the learned Magistrate. The revisional application was preferred at the stage when the civil court was in seisin of the matter and neither there was any interim order nor finality of the said proceedings arrived at by the civil court wherein the husband advanced a prayer for a declaration that opposite party is not the legally married wife of the petitioner.

It is a settled principle of law that mere pendency of the civil proceedings cannot have a binding effect on a criminal proceedings, specifically, where the issue involved is in respect of maintenance.

In view of the aforesaid, I am of the considered opinion that the revisional application was preferred at a premature stage and as such do not warrant any interference by this Court.

Accordingly, C.R.R.1592 of 2015 is dismissed. All connected applications are accordingly disposed of.

Department is directed to tag the connected CRAN applications along with this case.

However, learned Magistrate would proceed with the case as it was fixed for evidence if the same has not been concluded during the pendency of the revisional application. Learned Magistrate would also rely upon the outcome of the civil proceedings, if the same has reached its finality while considering the final arguments of the present maintenance proceedings.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)