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C.R.R. No.1338 of 2013
(Via Video Conference)

In the matter of : Smt. Jui Das. ...petitioner.

The present revisional application has been preferred against the order dated order 09.01.2013 passed by the learned Sessions Judge, Alipore in connection with Criminal Motion No.26 of 2013.

The subject matter of the revisional application relates to order dated 17.10.2012 passed by the learned Judicial Magistrate, 7th Court at Alipore in connection with Misc. Case No.74 of 2012.

It is reflected that while admitting the application, by an interim order the learned Sessions Judge was pleased to stay the operation of the order dated 17.10.2012 till 6th March, 2013 passed by the learned Judicial Magistrate, 7th Court, Alipore.

The records of the revisional application reflect that on 08.05.2013 the order dated 09.01.2013 passed by the learned Sessions Judge, Alipore in Criminal Motion No.26 of 2013 was stayed for six weeks after the summer vacation of the said year.

Having regard to the fact that the interim order was for a limited period of time during the pendency of the revisional application and it has not been informed to this Court subsequently as to whether the same was extended time to time, I am of the view that in case the revisional application is pending, the interim order should be vacated. I further direct that in case the proceedings of

M. Case No.74 of 2012 is still pending before the learned Judicial Magistrate, 7th Court, Alipore, South 24 Parganas, the same should be disposed of immediately.

So far as the present revisional application before this Court is concerned, this Court is of the view that the proceedings under the provisions of Section 125 of the Code of Criminal Procedure and the Protection of Women from Domestic Violence Act, 2005 both can be tried parallelly. However, adjustments are to be made so far as the quantum of award regarding the maintenance is concerned by taking into account the settled principle that higher amount of award would prevail.

With the aforesaid directions, CRR 1338 of 2013 is disposed of.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby vacated.

The wife/opposite party no.1 will be at liberty to take out an appropriate application for recovery of arrears, before the learned Judicial Magistrate.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)