

CRR 1939 of 2021

In re : An application under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973.

In the matter of : **Smt. Soma Pratihar**

..... petitioner

Mr. Biswajib Ghosh

Mr. Sumitava Chakraborty

.....For the petitioner

It has been submitted by Mr. Biswajib Ghosh, learned advocate appearing for the petitioner that though the learned Sessions Judge by an order dated April 11, 2019, passed in Criminal Motion 153 of 2019, vacated the stay order in connection with the Execution Case being M. Ex. Case No. 292 of 2018, pending before the learned Judicial Magistrate, 5th Court at Alipore, South 24-Parganas, the execution proceeding is being prolonged by adjourning the hearing of the case on several occasions by the learned Magistrate in the Court below.

It has been pointed out by Mr. Ghosh that, the learned Magistrate in the Court below has fixed the next date on July 3, 2022, for recording the evidence.

Mr. Ghosh submits that there has been an unpaid maintenance of Rs.3,44,000/- payable by the opposite party.

I am of the view that since the execution proceeding is pending since 2015, the learned Magistrate in the Court below should have taken necessary steps to expedite the execution proceeding.

In view of the aforesaid, the revisional application is disposed of with a direction upon the learned Magistrate in the Court below to proceed with the execution case expeditiously without granting

any unnecessary adjournments to either of the parties. The learned Magistrate shall prepone the next date for the recording of evidence, which is fixed on July 3, 2022. The learned Magistrate will be at liberty to issue a distress warrant against the opposite party, if necessary, for the realization of the unpaid maintenance amount of the petitioner.

With the aforesaid direction, the revisional application being **CRR 1939 of 2021**, is disposed of.

Since the opposite party shall not be prejudiced by this order, this revisional application is disposed of without serving any notice to him.

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

(Kausik Chanda, J.)