

27.08.2021  
Item no.4  
Ct. No.34  
CHC

**C.R.R. No.3371 of 2019**  
**(Via Video Conference)**

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

AND

In the matter of:-

Biswanath Kundu  
... petitioner

Mr. Pradumnya Sinha,  
Mr. Avik Ghatak,  
Mr. Saibal K. Dasgupta  
...for the petitioner

Mr. Tapas Kumar Ghosh,  
Mr. Tanmoy Chowdhury  
...for the State

Mr. Ghatak, learned advocate appearing for the petitioner submits that the petitioner was aggrieved by the order dated 12.09.2019, passed by the learned Chief Judicial Magistrate, 24 Parganas (North), thereby awarding interim maintenance for a sum of Rs.30,000/- in connection with Maintenance Case No.436 of 2019. Learned advocate on a query of this Court submits that petitioner/husband happens to be a Senior Scientist attached with Central Glass and Ceramic Research Institute.

Learned advocate also draws attention of this Court to subsequent deposition of the wife where she has raised issues regarding her security. However, the cross-examination of the lady is yet to be over.

Taking into account the fact that the learned court by way of an interim measure during the final determination of rights of the parties in a case under Section 125 of the Code of Criminal Procedure has passed the award of interim maintenance, I am of the view that no conclusion can be arrived at this stage when the evidence of the case is under progress.

Accordingly, no interference is called for. However, the petitioner will be at liberty to take up all points canvassed in the revisional application including the plea taken by the husband in his application before the civil court under Section 9 of the Hindu Marriage Act.

Learned trial court is directed to take efforts for concluding the trial within a reasonable period of time to arrive at its logical end.

With the aforesaid observations, C.R.R.3371 of 2019 is disposed of.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby vacated.

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

**(Tirthankar Ghosh, J.)**