

15.03.2021
Item no.45
Ct. No.2
CHC

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION
(Physical Hearing)**

C.R.R. No.66 of 2021

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

In the matter of:-

Shubho Rakshit

.....petitioner

Mr. Avrojoyti Das,
Ms. Radhika Agarwal

....for the petitioner

Mr. A. S. Chakraborty, Ld. A.P.P.
Mr. Nilay Chakraborty

....for the State

The Court is approached under Section 482 of the Code of Criminal Procedure soliciting direction to ensure expeditious disposal of a Criminal Revision No.01 (1) of 2020, now pending before the learned Additional District and Sessions Judge, 1st Court, Siliguri.

Learned advocate representing the petitioner submits that the petitioner being father of a minor child had instituted criminal revisional application before the revisional court challenging the order dated 19th December, 2019 and 2nd January, 2020, passed by learned Sub Divisional Magistrate, Siliguri, granting custody of

the minor child to mother in exercise of authority under Section 97 Cr.P.C.

The petitioner having felt aggrieved with such order passed under Section 97 Cr.P.C. approached the revisional court to challenge the illegality committed by the learned Sub Divisional Magistrate, Siliguri while returning the minor child to the mother.

Admittedly, there is a matrimonial dispute pending between the parties and the husband has already initiated a proceeding seeking custody of the child under Section 12 of the Gurdian and Wards Act.

Mr. Nilay Chakraborty, learned advocate representing the State submits that learned Executive Magistrate was very much authorized to pass the order under Section 97 Cr.P.C. allowing a minor child to be returned to mother.

It cannot be disputed that the revisional application was filed in January, 2020 that is before the pandemic surfaced over the entire country. The impact of the COVID 19 has largely disturbed the ordinary function of the court.

Learned advocate for the petitioner simply proposes for a direction so that the pending revisional application may be disposed of expeditiously.

Without going into the details, let there be a direction requiring the learned Additional District and Sessions Judge, 1st Court, Siliguri, to dispose of the pending criminal revisional application either on the date fixed, or if for any reasons, whatsoever, the same could not be effectively utilized, the date

may be fixed for disposal of the revisional application within a month thereafter peremptorily.

With this direction/observation, the instant revisional application stands disposed of.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Subhasis Dasgupta, J.)