

CRR 304 of 2015

In the matter of:- **Subhadip Banerjee**
versus
Sangita Chakraborty

Mr Pratick Bose.....for the State.

None appears on behalf of the petitioner.

The present revisional application has been filed by the petitioner challenging order dated 29.11.2014 passed by the learned Additional District & Sessions Judge, 3rd Court, Alipore, 24-Parganas (South) in Criminal Motion 261 of 2014.

The factual matrix of the case is that the opposite party filed an application claiming maintenance under Section 125 of the Code of Criminal Procedure and in the said case, the petitioner filed an application for stay of the proceeding till the disposal of the matrimonial suit filed at his instance on the ground that the marriage between the parties was a nullity. The said application was rejected by the trial court on 16.5.2014. Assailing the aforesaid said order, the petitioner moved before the learned Sessions Judge being Criminal Motion 261 of 2014 which was subsequently dismissed by the Additional District & Sessions Judge, 3rd Court, Alipore. Being aggrieved by and dissatisfied with the said order the petitioner has preferred the present revision.

From the impugned order, it appears that the learned Additional Sessions Judge has rightly held that mere pendency of a suit would not prohibit the aggrieved-applicant from seeking appropriate reliefs of maintenance. In view of the

above, the impugned order does not call for interference.

Accordingly, the revisional application is dismissed.

All connected applications stand disposed of.

Interim order, if any, stands vacated.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously after complying with all necessary legal formalities.

(Bivas Pattanayak, J.)