

07-07-2022
Subha
Item no.27
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 795 of 2010

Smt. Rita Banerjee & Anr.
-versus-
Shri Naren Banerjee & Anr.

The subject matter of this revisional application relates to the order dated 22.01.2010 passed by the learned Sessions Judge, Hooghly, Sadar in Criminal Motion No. 18 of 2010.

The genesis of the case relates to an order passed by the learned Judicial Magistrate, 5th Court, Hooghly, Sadar in M. C 154 of 2009 wherein the learned court was pleased to award a sum of Rs.1500/- per month to the petitioner no.1 and Rs.3000/- per month to the petitioner no.2 aggregating to a sum of Rs.4500/- per month.

Challenging such order, the opposite party no.1 preferred a revisional application in Criminal Motion No. 18 of 2010 wherein by way of an interim measure the learned trial court was pleased to award a sum of Rs.1000/- per month to the petitioner no.1 and Rs.1500/- per month to the petitioner no.2.

Records of this revisional application reflect that there was a direction of service on 18.03.2010. Thereafter, the revisional application was never listed.

Having regard to the period of time, which has passed in the meantime, I direct that in case the Criminal Motion No. 18 of 2010 is pending before the learned Sessions Judge, Hooghly, Sadar, the aforesaid order dated 22.01.2010 should be set aside and the order

passed by the learned Judicial Magistrate, 5th Court, Hooghly in M. C 154 of 2009 should be restored.

Further, if required, the learned revisional court or the trial court before whom the proceedings are pending would consider the present cost index and decide the quantum of maintenance, if the M. C. No. 154 of 2009 is still pending.

Needless to state that if the revisional application in connection with Criminal Motion No. 18 of 2010 is still pending, the same would be considered to be dismissed.

The learned trial court would take steps to complete the trial if the same has not already been concluded.

With the aforesaid observations, the revisional application being CRR 795 of 2010 is hereby disposed of..

Pending applications, if any, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]

