

09-06-2022
Subha
Item no.47
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 1337 of 2022

In the matter of : **Arindam Kundu**petitioner.

In Re : An application under Section 482 read with Section 483 of the Code of Criminal Procedure.

Mr. Jagannath Ganguly
.....for the petitioner.

Mr. Anand Keshari
Mr. Sekhar Mukherjee
Mr. Gourav Kumar
....for the Opposite Party/wife.

The present revisional application has been preferred praying for expeditious disposal of the proceedings being Misc. Case No. 97 of 2017 under Section 127 of the Code of Criminal Procedure, 1973. Such cases are pending before the learned Judicial Magistrate, 2nd Court, Sealdah.

The record reflects that such proceedings arose out of an application under Section 125 of the Code of Criminal Procedure being Misc. Case No. 56 of 2016. There are debatable issues regarding the quantum of maintenance, the dues as well as the manner in which the quantum was awarded by the court.

Mr. Ganguly, learned advocate appearing on behalf of the petitioner submits that the learned Magistrate has fixed date for evidence in the application under Section 127 of the Code of criminal Procedure.

On the other hand, Mr. Keshari, learned advocate appearing on behalf of the private opposite party submits that there are execution cases pending. According to him there are huge dues which are also pending.

I find from the records of the case that the original case was initiated in the year 2016 and more than six years have passed in the meantime. There is no progress in the case under Section 125 of the Code of Criminal Procedure and at this stage, it would be a futile exercise to point out who was at fault.

Learned Magistrate in the present circumstances is directed to fix at least one date in a fortnight for disposal of the application under Section 125 of the Code of being Misc. Case No. 56 of 2016. As prayed for, learned Magistrate would also expeditiously dispose of the application under Section 127 of the Code of Criminal Procedure being Misc. Case No. 97 of 2017.

Mr. Ganguly, learned advocate for the petitioner should ensure that if there are any dues within a reasonable period of time, the petitioner should liquidate all the dues.

Needless to state that this court has not gone into the merits of the matter whether any maintenance should be awarded or not in the final outcome of the proceedings, learned Magistrate after scrutiny of the evidence in the main proceedings would arrive at his independent findings.

No unnecessary adjournment should be granted to either of the parties and the learned court would be harsh in case any unnecessary adjournment is prayed on behalf of any of the parties in

respect of both the applications.

With the aforesaid observations, the revisional application being CRR 1337 of 2022 is 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]