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February
21, 2022
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C.R.R. No.921 of 2019
(Via Video Conference)

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

Nargis Parvin
Versus
Mokbul Hossain & Ors.

Mr. Pratip Kumar Chatterjee,
Mr. Sabir Ahmed.
...for the petitioner.

Mr. S.S. Imam,
Mr. Sandip Kundu.
...for the State.

Mr. Asraf Ali,
Mr. S.S. Arefin.
...for the opposite party no.1 and 2.

Mr. Prantik Garai,
Ms. Sreejoyee Bose.
...for the opposite party nos.3 to 9.

The subject matter of the revisional application relates to the judgment and order dated February 15, 2019 passed by the learned Sessions Judge, Birbhum in Criminal Appeal No.43 of 2018. The said appeal was preferred against the order dated August 7, 2018 passed by the learned Judicial Magistrate, 1st Court, Suri, Birbhum in connection with Misc. Case No.08 of 2016. The said criminal appeal was disposed of on the basis of the foundation of the case of **S.R. Batra and another Vs. Taruna Batra** reported in **(2007) 2 SCC (Cri.) 56: (2207) 3 SCC 169**. The ratio of the judgment of S.R. Batra was subsequently overruled by the Hon'ble Supreme Court in case of **K.K. Ahuja Vs. V.K. Vora & Anr.**

reported in **(2009) 10 SCC 48**.

In view of the same, the learned session's court order so far as the interpretation of the words 'shared household' is concerned is against the settled principle of law. Accordingly, the said order of the appellate court is hereby set aside.

The subject matter of the case relates to an interim order passed by the learned Magistrate on 22nd December, 2016. Learned Magistrate by way of an interim measure granted ad interim maintenance of Rs.3,000/- per month and directed the petitioner to reside at the 'shared household'.

Learned advocate appearing for the opposite party nos.1 and 2 has disputed such contentions of 'shared household' as has been observed in the order dated 22.12.2016 and has submitted that the said property was exclusively purchased by them out of their own funds. The said fact is to be adduced before the learned Magistrate by way of evidence both oral and documentary. The said stage has not reached till date.

Having regard to the same, I am of the opinion that the learned Magistrate will expedite the progress of the trial of the case and preferably conclude the same by 30th November, 2022.

It has been submitted by the learned advocate appearing for the petitioner that the petitioner is presently residing at the address mentioned in the cause title and not at her parental home. As such, she is not entitled to any amount towards residential accommodation as has been pronounced by the learned Sessions Judge.

As directed earlier, the learned court would fix dates on each and every fortnight so that the trial of the case can be taken to its logical conclusion within time schedule mentioned above.

With the aforesaid observations, CRR 921 of 2019 is disposed of.

Pending applications, if any, are consequently disposed of.

Interim order, if any, is hereby vacated.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)