

10.03.2022.

Item No.33

ss

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

C.R.R. 1222 of 2016

Rupban Bibi

Vs.

The State of West Bengal & anr.

**In Re: An application under Section 482 read with Section 401
of the Code of Criminal Procedure, 1973**

None appears on behalf of either of the parties. No accommodation has been sought for.

Records reflect that by an order dated 31.3.2015 the learned Judicial Magistrate, 1st Court at Alipore in case No. ACM 332 of 2012 was pleased to allow the prayer for interim maintenance to be paid to the present petitioner.

Being aggrieved, the husband/opposite party approached the learned Additional Sessions Court thereby invoking its revisional jurisdiction and the learned Sessions Judge was pleased to set aside the order of interim maintenance so passed by the learned Magistrate in criminal motion being No.204 of 2015.

In view of passage of time which has passed in the meantime I am not inclined to interfere with the order passed by the learned Sessions Judge as no information has been furnished before this Court regarding the fate of the proceeding under Section 125 of the Code of Criminal

Proceeding before the learned Magistrate, although I differ to agree with the order passed by the learned sessions Court/revisional Court.

It is directed in case the proceeding is pending, the learned Magistrate would consider the plea of the present petitioner regarding maintenance in its proper perspective on the basis of the evidence so produced. In case the trial has not been concluded till date, the learned Magistrate is directed to take the same to its logical conclusion within a reasonable period of time, keeping in mind the purpose for which Section 125 of the Cr.P.C. was incorporated.

With the aforesaid observations, C.R.R. 1222 of 2016 is disposed of.

Pending application, if any, is consequently disposed of.

Interim order, if any, is made absolute.

Department is directed to communicate this order to the learned Magistrate in seisin of the maintenance matter.

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

(Tirthankar Ghosh, J.)