

10.03. 2022
item No.55
n.b.
ct. no. 34

CRR 1360 of 2018

Santosh Kumar Manna
Vs.
State of West Bengal & Anr.

Mr. Sridhar Ch. Bagari
.....for the Petitioner

The present revisional application was preferred challenging the order dated 25.4.2018 passed by the Learned Additional Chief Judicial Magistrate, Kakdwip, South 24 Parganas. The said order was passed pursuant to an application under Section 127 of the Code of Criminal Procedure filed by the present petitioner.

Record reflects that execution case was pending since 2014. In view of the reasons so assigned by the learned Magistrate I am of the opinion that no interference can be made at this stage until and unless the dues for the execution cases are satisfied by way of making full and complete payments in respect of the period of default. The revisional application is pending since 2018.

Learned advocate appearing for the petitioner submits that the petitioner has divorced and has married for the second occasion and is working as a daily labour. The said contentions so advanced by the learned advocate for the petitioner are factual aspects, which are to be gone into by the Trial Court at the time of assessing the evidence and which in fact, was considered by the

Trial Court while awarding maintenance. The application under Section 127 of the Code of Criminal Procedure was filed with the purpose of stalling the execution proceedings and the learned Magistrate had no other option except to dismiss the same, there is no illegality in the order passed by the learned Magistrate.

No interference is called for.

Accordingly, CRR 1360 of 2018 is dismissed

All pending connected 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.)