

19.04. 2022
item No.38
n.b.
ct. no. 34

CRR 1188 of 2019
+
IA No. CRAN 2 of 2019(Old No. CRAN 2706 of 2019)
+
CRAN 3 of 2019(Old No. CRAN 4821 of 2019)
+
CRAN 4 of 2022

Moumita Sarkar
Vs.
State of West Bengal & Anr.

Mr. Amitabha Ghosh,
Mr. Madan Mohan Roy,
Mr. Haripada Nayak
.....for the Petitioner

Ms. Baisali Basu
.....for the State

Affidavit of service so filed be kept with the record.

The grievance of the petitioner is in respect of order dated 27.3.2019 passed in Criminal Appeal No.11 of 2019 passed by the Learned Sessions Judge, Hooghly, wherein the Learned Sessions Court was pleased to stay the order dated 22.2.2019 passed by the Learned Judicial Magistrate, 5th Court at Hooghly(Sadar).

I find from the order dated 22.2.2019, which has been enclosed along with revisional application that the learned Judicial Magistrate, 5th Court at Hooghly was pleased to pass four directions.

Having regard to the fact that the appeal is still pending before the Learned Sessions Judge, I am of the opinion that the

order of stay so granted by the Learned Sessions Judge in appeal should be modified and the opposite party/respondent should continue payment of Rs.10,000/- per month as interim maintenance to the petitioner from the date of filing of the application i.e. 20.1.2018 as directed by the Learned Judicial Magistrate, 5th Court at Hooghly(Sadar).

So far as, the contention raised by the respondent the same may be adjudicated by the Appeal Court in accordance with law but subject to the condition that the interim maintenance would be paid in accordance with order dated 22.2.2019 till final decision by the Appeal Court.

With the aforesaid observations, CRR 1188 of 2019 is disposed of.

All pending connected applications, if any, are consequently disposed of.

The learned Sessions Judge, Hooghly or any Judge assigned for disposal of criminal appeal no.11 of 2019 is concerned would conclude the hearing of the appeal within a period of three months from the date of communication of this order.

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

(Tirthankar Ghosh, J.)