

24.11.2022

Item No.12
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 3012 of 2022

**Moumita Roy
versus
The State of West Bengal & Anr.**

In Re: An Application under Section 482 of the Code of Criminal Procedure.

Mr. Kashiswar Ghosal ... For the Petitioner.

Mr. Arijit Ganguly,
Mrs. Sujata Das ... For the State.

Learned advocate appearing for the petitioner submits that the learned Magistrate in Misc. Case 82 of 2012 was pleased to allow maintenance of Rs.3000/- per month to the wife/petitioner and Rs.2000/- per month to the minor son. The petitioner thereafter filed an application under Section 127 of the Code of Criminal Procedure in the year 2018 which was further amended and filed on March 2022. However, the petitioner is suffering because of financial stringency which has been reflected in the application as the said application is pending for a considerable period of time and according to the petitioner, the present cost index does not support such amount of maintenance, the application should be disposed of by the learned court at the earliest.

Mr. Arijit Ganguly, learned advocate, who ordinarily appears for the State, was directed to appear on behalf of the State. His appointment may be regularised by the concerned authorities.

Having regard to the plight expressed by the petitioner to the limited extent that the said application under Section 127 of the Code of Criminal Procedure be disposed of, I direct the learned Magistrate to dispose of the application under Section 127 of the Code of Criminal Procedure within a period of three months from the next date so fixed by the learned court.

With the aforesaid observations, the revisional application being CRR 3012 of 2022 is disposed of.

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

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)