

19.12. 2022
item No.39 & 40
n.b.
ct. no. 551

CRR 2778 of 2018

**with
CRR 2779 of 2018**

**Bhaskar Sehanabish
Vs.
The State of West Bengal & Anr.**

Mrs. Suman Shenabis(Mondal)
Ms. Atulya Sinha

..... For the petitioner.

Mr. Purnasis Roy

... for the respondent.

Both the criminal revisional applications have been preferred against the judgment and order dated July 18, 2018 passed by the Learned Additional Sessions Judge, 3rd Court, Cooch Behar in Criminal Appeal No.13 of 2016 and Criminal Appeal No.15 of 2016 on April 5, 2016. Both the criminal revisional applications were preferred by the husband against the State of West Bengal and opposite party no.2 who is the wife. Both the appeals were given rise mise. D.V. Case No.76 of 2012 filed by the wife, wherein impugned order was passed by the Judicial Magistrate.

During the course of argument, it appears to me that both husband and wife in are employed and it is admitted by both the parties that they have not disclosed their assets and liability as per direction Hon'ble Supreme Court passed in Rajnesh Vs. Neha reported in AIR 2021 SC 569.

Considering the aspect, it appears to me it would be proper to remand back both the matters to the jurisdictional

Magistrate so that both parties may have an opportunity to submit their affidavit regarding assets and liabilities before the learned Magistrate on the strength of which the Magistrate may pass an appropriate order considering each and every aspects.

The Learned Magistrate is also directed to follow the guidelines of the Hon'ble Supreme Court passed in Rajnesh Vs. Neha(supra) regarding the submission of affidavit of assets and liabilities and also regarding the overlapping jurisdiction of the earlier order of maintenance passed in other proceedings. The parties are also at liberty to submit an affidavit regarding the award passed for or against them in earlier proceedings. They are also at liberty to mention before the learned Magistrate to disclose for the reason as to why maintenance amount was pending or disposed of.

Accordingly, both the revisional applications are disposed of.

Parties are directed to submit the affidavit before the Magistrate within 8 weeks from the communication of this order; and learned Magistrate is to dispose of this matter as early as possible, more preferably within six months thereafter.

Let an copy of order be served upon the learned jurisdictional Magistrate for his compliance.

Any interim order of stay passed by this Court during the continuation of the instant revisional application is also vacated.

Pending connected application, if any, is also disposed.

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

(Subhendu Samanta, J.)