

CRR 3106 of 2013

Mansur Alam @ Md. Mausur Alam-Vs- State of West Bengal & Ors.

An application under Section 482 of the Code of Criminal Procedure.

None appears on behalf of the petitioner.

The petitioner has preferred the present revisional application for quashing of the proceeding being Case No. M.R. Ex. 141 of 2011 pending before the learned Additional Chief Judicial Magistrate, Islampur, Uttar Dinajpur under Section 128 of the Code of Criminal Procedure including order dated 25.5.2013.

The factual matrix of the case is that the opposite party no. 2 filed an application praying for maintenance for herself and her minor child (opposite party no.3) under Section 125 of the Criminal Procedure Code being M.R.No. 179 of 2005. The learned Additional Chief Judicial Magistrate, Islampur, Uttar Dinajpur allowed the application on contest. The petitioner challenging the aforesaid order passed by the learned Magistrate preferred the revision before the learned Additional Sessions Judge, Islampur, Uttar Dinajpur being Criminal Revision No. 8 of 2010, which was subsequently transferred to the file of Additional Sessions Judge, Fast Track, 1st Court, Islampur, Uttar Dinajpur for disposal. During the pendency of such revisional application the opposite party no. 2 filed an application under Section 128 of the Criminal Procedure Code claiming arrears of maintenance for the period of 31.3.2010 to

31.3.2011 amounting to Rs. 42,000/- which was registered as in M.R.Case No. 141 of 2011. On 20.5.2013 the learned advocate for the petitioner filed an application for adjournment on the ground of the pendency of the revisional application before the learned Additional Sessions Judge, Fast Track, 1st Court, Islampur, Uttar Dinajpur. The said application was rejected and warrant of arrest issued against the petitioner.

Being aggrieved by and dissatisfied with the said order, the petitioner has preferred the present revisional application.

It appears from the impugned order dated 20.5.2013 that on such date, the petitioner on repeated calls was found absent at 4.40 p.m.. The learned advocate for the petitioner filed a petition in the Execution proceeding for adjournment on the ground of the pendency of the revisional application before the court of the learned Additional Sessions Judge, Fast Track, 1st Court, Islampur, Uttar Dinajpur . The petition for adjournment filed on behalf of the petitioner was rejected on the ground that there was no stay order and accordingly, the Executing court issued warrant of arrest issued against the petitioner. The impugned order, it is found not to be bereft of irregularity or perversity and thus does not call for interference.

Accordingly, the revisional application stands dismissed.

All connected applications stand disposed of.

Interim order, if any, stands vacated.

Urgent photostat certified copy of this order, if applied

for, be supplied expeditiously after complying with all necessary legal formalities.

(Bivas Pattanayak, J.)