

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

The Hon'ble **JUSTICE BIBEK CHAUDHURI**

CRR 440 of 2023

Smt. Tuli Bhowmick (Ojha)

-Vs-

State of West Bengal & Anr.

For the Petitioner: Mr. Tanmoy Roy, Adv.

For the State: Mr. Mainak Gupta, Adv.

Heard on: 4th April, 2023.

Judgment on: 4th April, 2023.

BIBEK CHAUDHURI, J. : –

1. This is an application for expeditious disposal of M. Ex. case no. 150 of 2019 under Section 125(3) of the Cr.P.C. arising out of an order passed in M. case no. 212 of 2017 pending before the Learned Judicial Magistrate (1st Court), Barasat.

2. On perusal of averment made in the instant revision and having heard the learned Advocate for the petitioner this Court is of the view that the instant revision can be disposed of here and now with the assistance of the learned Advocate for the state. Accordingly, Mr. Mainak Gupta learned Advocate is requested to assist this Court on behalf of the State. Appointment of Mr. Mainak Gupta learned advocate be regularized by the learned Legal Remembrancer, Government of West Bengal.

3. It is submitted by the learned advocate for the petitioner that a case under Section 125 of the Code of Criminal Procedure was filed on 18th April, 2017 being M. Case no. 212 of 2017 praying maintenance for herself and for her minor daughter. Almost after 2 years on 17th January, 2019 the opposite party no. 2 entered appearance. The petitioner unable to maintain herself and her minor daughter filed an application for interim maintenance where the opposite party no. 2 was directed to pay a sum of Rs. 3,000/- per month for the petitioner and Rs. 2,000/- for the minor child and also to pay arrear maintenance within 60 days from the order and liberty to the petitioner to file execution in case of failure on the part of the opposite party no. 2. The petitioner on not getting any maintenance filed an application under Section 125(3) of the Cr.P.C. being M.Ex. 150 of 2019 for realization of arrears of maintenance allowance which is still pending without any final order. The matter has been adjourned on every date and a sum of Rs. 3,45,000/- has become due out of which the opposite party no. 2 paid Rs. 50,000 making it Rs. 2,95,000/- due towards interim maintenance. The next date was fixed on 13th February, 2023.

4. Under such circumstances, petitioner has prayed for expeditious disposal of the case.

5. In view of such circumstances, the instant revision is disposed of directing the Learned Court below to take necessary steps to dispose of the application under Section 125 of Cr.P.C. as expeditiously as possible

within December, 2023 and conclude the execution case within September, 2023.

6. With the above direction the instant revision is disposed of.

(Bibek Chaudhuri, J.)