

CRR 1142 of 2011

In the matter of : Harun Al Rasid

Mr. N.P. Agarwala

Mr. P. Bose

... for the State

None appears on behalf of the petitioner.

The State is represented.

This revisional application challenges the Execution Cases being Ex. Case Nos. 68/09, 49/10 and 75/09 in connection with *ex parte* order of interim maintenance passed by the learned 2nd Court of Judicial Magistrate, Jangipur, Murshidabad being a proceeding under Section 125 of Code of Criminal Procedure being M.R. Case No. 277/09.

Briefly stated, the petitioner is the husband of opposite party no. 2, an advocate by profession. They have been live-in separately and ultimately he sent a Talaknama to his wife by registered post with A/D. His wife filed an application under Section 125 of Cr.P.C. before the learned 2nd Court of Judicial Magistrate, Jangipur, Murshidabad and learned Court was pleased to grant a sum of Rs.3,000/- towards interim maintenance for the child and her mother. Challenges the said order C.R.R. 3235 of 2009 was preferred by this petitioner and an order of stay for a limited period was granted. In the meantime, the order of interim maintenance was put into execution and distress warrant was issued against the petitioner. By filing this application under

consideration, the petitioner is seeking an order of stay of execution cases till the disposal of C.R.R. 3235 of 2009. This revisional application was not even admitted when it appeared on 13.6.2011. Subsequently, Mr. Argha Kamal Das appeared for the petitioner and prayed for an adjournment.

When a revisional application being C.R.R. 3235 of 2009 is still pending, this petition under consideration, in my humble opinion is but a vexatious proceeding and is dismissed along with application, if any, without any order as to costs.

Let a copy of the order be sent to the learned Trial Court for information and necessary action.

(Siddhartha Roy Chowdhury, J.)