

08.05.2023

BP
Sl.22
Court No.236

CRR 1296 of 2011

Mamtaj Begam
Vs.
Abul Kalam Azad & Anr.

Mr. B.K. Roy
Ms. Sima Biswas
..for the State

This revisional application challenges the order dated 9th December, 2010 passed by the learned 2nd Court of Judicial Magistrate, Katwa.

None is appearing on behalf of the petitioner. I do not find any reason to adjourn this case suo motu, rather I am inclined to dispose of the application on merit based on materials available with the record.

The impugned order was passed in Misc. Execution Case No. 18 of 2009 for modification of the order dated 7th June, 2004 passed by the learned Trial Court in Misc. Case No. 9 of 1993. By the order dated 7th June, 2004, learned Trial court was pleased to pass an order of stay in respect of Misc. Execution Proceedings arising out of Misc. Case No. 104 of 1985 subject to payment of 50% of the arrear of maintenance in disposal of Misc. Case No. 9 of 1993 which was filed for modification of maintenance

allowance under Section 127 of the Code of Criminal procedure. Learned Trial Court refused to sit over the order passed by it.

In my view, the impugned order does not warrant any interference inasmuch as court cannot sit over the order passed by the court itself in view of Section 362 of the Code of Criminal Procedure. The revisional application is bereft of merit and is disposed of.

The order of stay, if any, stands vacated.

(Siddhartha Roy Chowdhury, J.)

