

This revisional application challenges the order of interim maintenance passed by the learned Judicial Magistrate in MC Case No.58 of 2010 ex parte. Fact of the case in brief is that Beauty Sarkar filed an application under Section 125 of the Code of Criminal Procedure against her husband Joydeb Sarkar claiming maintenance. An application for interim maintenance was also filed. Learned Judicial Magistrate after considering the contention of the petitioner was pleased to grant a sum of Rs.400 towards interim maintenance. Subsequently, to the passing of the said order, the opposite party/husband entered into appearance and file a petition under Section 126 of the Code of Criminal Procedure.

This matter appeared before this Court on 22nd December, 2011. There is no indication that the petitioner Joydeb Sarkar complied with the direction given by this Court on that day. Be that, as it may after more than 10 years, there is every reason to presume that in absence of any order of stay, the proceeding under Section 125 of the CrPC in MC Case No.58 of 2010 has either been disposed of or witness action is going on.

In such circumstances, I am inclined to dispose of the revisional application being infructuous.

A copy of the order sheet be sent down to the learned Trial Court for information and necessary action.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Siddhartha Roy Chowdhury, J.)