

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

CRR 1511 of 2023

**Rituparna Bandopadhyay (Chatterjee)
Vs.
Arghya Bandopadhyay and Anr.**

Mr. Subhasish Majumder
..for the petitioner

Item No. 14

Heard & Judgment on: 10.05.2023

Bibek Chaudhuri, J.

In a proceeding under Section 125 of the Code of Criminal Procedure the learned Judicial Magistrate, 4th Court, Barrackpore passed an order granting interim maintenance in favour of the petitioner at the rate of Rs.7,000/- per month. The opposite party No.1/husband challenged the said order in criminal revision before the learned Additional Sessions Judge, Barrackpore. The said revision

was transferred to the court of the learned Additional Sessions Judge, Fast Track, 4th Court, Barrackpore. Vide order dated 23rd December, 2022 the learned Additional Sessions Judge passed an order staying the execution of trial Court's order on condition that the opposite party No.1 would go on paying a sum of Rs.5,000/- per month towards interim maintenance without prejudice till disposal of the revisional application. Next date was fixed on 14th March, 2022 for service return and appearance of the petitioner. On that date the respondent (petitioner herein) filed vokalatnama and copy of the revisional application was served upon the learned advocate for the respondent (petitioner herein) and the learned trial Judge fixed 18th April, 2023 for appearance of the learned Public Prosecutor.

In a case under Section 125 of the Code of Criminal Procedure the dispute relates between the wife and the husband. In a revision against an order passed in a proceeding under Section 125 of the Code of Criminal Procedure State of West Bengal is not the necessary party and, therefore, appearance of the Public Prosecutor is not necessary. Under such circumstances, the learned Judge in the revisional Court is specifically directed to dispose of the revisional application on the next date itself. The learned Judge is further directed to issue notice upon the learned advocate for the petitioner stating that the date of hearing of the revisional application is fixed

under the direction of this Court on 18th July, 2023. After hearing both the parties he is directed to dispose of the said revision at the earliest.

In view of the above order, nothing remains in the instant revision and the same is disposed of.

(Bibek Chaudhuri, J.)