

D/L102
05.09.2023
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C.R.R.2876 of 2022

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973;

Subhas Chandra Dey
Versus
The State of West Bengal and another

The revisional application was preferred challenging the proceedings being M Case No.161 of 2022 (certified copy reflecting M-161 of 2018) which was a proceeding under Section 125 of the Code of Criminal Procedure pending before the learned Judicial Magistrate, Baruipur.

The order dated 29.11.2019 reflects that an application for maintainability was taken out regarding the proceedings under Section 125 of Cr.P.C.

I have considered the said order and I find that the learned Magistrate was correct while arriving at his conclusion that the husband/opposite party was evading the court proceedings by taking out maintainability application instead of filing a written objection.

Having considered the purpose for which the instant revisional application has been filed, I am of the opinion that the same has been filed with a purpose to delay the proceedings before the learned trial court and, as such, the same do not call for any interference.

Consequently, CRR 2876 of 2022 is dismissed.

Pending application, if any, is consequently dismissed.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)