

11-08-2023
Subha
Item no. 17
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 2888 of 2023

Rakshakar Kundu & Anr.

-versus-

Smt. Chitra Ghosh(Kundu) & Anr.

Ms. Minoti Gomes

Md. Hafiz Ali

....for the petitioners.

The subject matter of the revisional application relates to an order dated 1st July, 2023 passed in connection with Criminal Appeal No. 07 of 2023 by the learned Additional Sessions Judge, Purba Katwa, Burdwan arising out of Misc. Case No. 235 of 2021 which is pending before the learned Judicial Magistrate, 2nd Court, Katwa, Burdwan.

There was interim monetary relief of Rs.9000/- granted in favour of the minor son by the learned Magistrate, 2nd Court, Katwa, Burdwan. The said order was challenged by the present petitioner by way of an appeal under Section 29 of the PWDV Act. However, there was a delay in preferring the appeal. The learned appellate court while considering the delay of 33 days, did not allow the prayer for condonation of such delay by its order dated 1st July, 2023.

I find from the order dated 27th April, 2023 passed by the learned Judicial Magistrate, 2nd court, Katwa, Purba Burdwan that from the date of filing of the case a sum of Rs.9000/- was awarded as interim maintenance to the minor son. In case the arrears which

have accumulated towards interim maintenance is wholly paid by 3rd October, 2023, the learned appellate court is directed to condone the delay and proceed with the appeal in accordance with the law.

With the aforesaid observations, the present revisional application being CRR 2888 of 2023 is disposed of.

Pending applications, if any, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]