

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

The Hon'ble **JUSTICE BIBEK CHAUDHURI**

CRR 3268 of 2022

Malabika Ghosh (Dutt Mazumder)
-Vs-
The State of West Bengal & Anr.

For the Petitioner: Ms. Papiya Chattopadhyay, Adv.

For the State: Mr. Joydeep Roy, Adv.
 Mrs. Sujata Das, Adv.

Heard on: 9th January, 2023.

Judgment on: 9th January, 2023.

BIBEK CHAUDHURI, J. : –

1. This is an application for expeditious disposal of M. Case No. 12 of 2020 arising out of an application under Section 125 of the Cr.P.C. together with an application for ad-interim maintenance filed by the petitioner pending before the Learned Judicial Magistrate, 1st Court, Bidhan Nagar.

2. On perusal of averment made in the instant revision and having heard the learned Advocate for the petitioner this Court is of the view that the instant revision can be disposed of here and now with the assistance of the learned Advocate for the state. Accordingly, Mr. Joydeep Roy and Mrs. Sujata Das, learned Advocates are requested to assist this Court on

behalf of the State. Appointment of Mr. Joydeep Roy and Mr. Sujata Das learned advocates be regularized by the learned Legal Remembrancer, Government of West Bengal.

3. It is submitted by the learned advocate for the petitioner that marriage of the parties was solemnized on 10th March, 1996 according to Hindu rites and customs. Since the day of marriage the petitioner is subjected to mental and physical torture from the opposite party no. 2 and his family members and was neglected and deserted by the opposite party no. 2. The opposite party no. 2/husband instituted a suit for dissolution of marriage on the ground of cruelty and desertion on 6th June, 2012 being matrimonial suit no. 97 of 2012 before the learned Additional Principal Judge, family court, Calcutta. The petitioner filed an application under section 24 of the Hindu Marriage Act which was allowed on 23rd April, 2015 but got dismissed for default and no recalling application was ever filed. The opposite party did not even pay the alimony pendent lite granted by the order date 23rd April, 2015. The petitioner therefore filed an application under section 125 of the Cr. P.C. before the Learned Magistrate but no order was passed for the last two years and as such the petitioner is not getting any maintenance. Several dates have been fixed for the past two years for service return but no order for maintenance has been passed.

4. Under such circumstances, petitioner has prayed for expeditious disposal of the case.

5. In view of such circumstances, the instant revision is disposed of directing the Learned Court below to dispose of the case as expeditiously as possible.

6. With the above direction the instant revision is disposed of.

(Bibek Chaudhuri, J.)