

30.08.2023

Item No.17
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

**C.R.R. 4384 of 2022
with
CRAN 1 of 2023**

**Tanima Sen
versus
Ratan Sen & Anr.**

Ms. Arunima Das Sharma ... For the Petitioner.

Re: CRAN 1 of 2023
(an application under Section 5 of the Limitation Act)

Learned advocate appearing for the petitioner prays for condonation of delay of 279 days in preferring this revisional application.

The reasons so assigned in the application for condonation of delay are found to be just and sufficient and there was no wilful neglect on the part of the litigant who happens to be a destitute lady. Accordingly, delay is condoned. The application being CRAN 1 of 2023 is, thus, allowed.

Re: CRR 4384 of 2022

The present revisional application has been preferred against the order passed by the learned Additional Sessions Judge, Fast Track, 4th Court, Barrackpore in connection with Criminal Revision No. 94 of 2022 wherein the order relating to payment of monetary relief was stayed by the learned revisional court.

Records reflect that by an order dated 11.11.2020 in Misc. Case No. 257 of 2017, the learned Judicial Magistrate, 2nd Court, Barrackpore was pleased to direct an amount of Rs.10,000/- per month to be paid to the aggrieved party i.e. the petitioner herein. The said order was subsequently put into execution in M. Ex. Case No. 28/2021 and the learned Judicial Magistrate, 2nd Court, Barrackpore was pleased to issue warrant of arrest. Challenging such order, the husband/opposite party no.1 herein preferred a revisional application before the learned Additional Sessions Judge, 1st Court, Barrackpore wherein the learned revisional court was pleased to stay the operation of the order dated 07.02.2022 in M. Ex. Case No. 28/2021 by its order dated 25.02.2022.

Having regard to the fact that the execution case was stayed ex parte, I direct the learned revisional court to dispose of the revisional application on the next date so fixed or within a month thereafter. It is pertinent to state that the husband has been evading both the proceedings i.e. under Section 125 of the Code of Criminal Procedure and also under Section 12 of the Protection of Women from Domestic Violence Act. In case, it is found that in none of the courts, the husband is paying either the monetary relief or the maintenance, the learned revisional court would ensure that the same is paid within a fortnight from the date of the order. In the alternative, the interim order be vacated by the learned revisional court.

With the aforesaid observations, the revisional application being CRR 4384 of 2022 is disposed of.

All pending connected applications, if any, are consequently disposed of.

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 with all requisite formalities.

(Tirthankar Ghosh, J.)