

09-11-2023
s.d/b.r
Item no. AD 01
Ct no. 7

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 4428 of 2023

Istak Ahmed and ors.
-versus-
Zeba Sultana

Mr. Ranjit Kumar Roy
.....for the petitioners.

Supplementary affidavit filed by the learned counsel for the petitioners be kept with the record.

The sum and substance of argument of Mr. Roy, learned counsel for the petitioners is that an appeal against the impugned order passed by the learned Judicial Magistrate, 3rd court, Howrah dated 21.01.2023 was admitted but the order of stay is yet to be considered. In the meantime, the executing court is poised to execute the impugned order. The date fixed by the learned appellate court is 8th December, 2023 whereas the date fixed by the executing court is 10th November, 2023 i.e., tomorrow.

In this circumstance, a stay of execution proceedings is sought for.

The petitioners are given liberty to move an application before the appellate court for consideration of the stay of the impugned order immediately on reopening.

The first appellate court shall prepone the hearing and expeditiously dispose of the application for stay within a period of

15 days from the date of reopening.

During pendency of the application of stay, the executing court shall postpone the hearing of the execution application till disposal of the stay application for a period as aforesaid.

With this observation, the revisional application being CRR 4428 of 2023 is disposed of.

A copy of the order may be communicated to the executing court immediately.

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

[Sugato Majumdar, J.]