

13.01.2023

Sl. No. 10

Srimanta

Ct.No. 42

CRR/4668/2022

In the matter of : **Hasin Jahan**

Mr. Imtiaz Ahmed, Adv.,
Mrs. Ghazala Firdaus, Adv.,
Mr. Sk. Saidullah, Adv.,
Mr. Mithun Mondal, Adv.,
Mr. Md. Arsalan , Adv.

...for the petitioner.

Mr. Ranabir Roychowdhury, Adv.,
Mr. Mainak Gupta, Adv.

...for the State.

This is an application for a direction upon the Trial Court for expeditious hearing of an application under Section 125 of the Code of Criminal Procedure registered as ACM Case No. 398/2018, presently pending before the learned Judicial Magistrate, 3rd Court at Alipore.

It is submitted on behalf of the petitioner that the petitioner is the wife of a renowned cricketer. As a result of matrimonial discord they are living separately. The petitioner filed an application under Section 125 of the Code of Criminal Procedure praying for maintenance in the year 2018. However, till date the said application has not been disposed of by the learned Magistrate

Considering the nature of allegation and on careful perusal of the materials-on-record and certified copies of the orders passed by the Trial Court fixing date after date without any effective hearing, this Court is of the view that the instant revision can be disposed of with the assistance of an Advocate on behalf of the State.

Mr. Ranabir Roychowdhury, learned Public Prosecutor-in-Charge is requested to assist this Court. Appointment of Mr. Roychowdhury be regularized by the learned Legal Remembrancer, Government of West Bengal. The learned Advocate for the petitioner is requested to serve a copy of the application.

I have heard the learned Advocates for the petitioner and the opposite party. The petitioner has only prayed for expeditious disposal of the case under Section 125 of the Code of Criminal Procedure. If this Court passes a direction upon the learned Magistrate for expeditious disposal of the case, the opposite party no. 2 being the husband of the petitioner will not be prejudiced in any way because he will be entitled to for hearing in the Trial Court.

Considering such circumstances, the learned Judicial Magistrate, 3rd Court at Alipore is directed to dispose of the application for interim maintenance positively on the date fixed. The opposite party may be represented through his Advocate in the hearing on the date fixed. The learned Advocate for the petitioner is at liberty to communicate this order obtaining server copy of the same.

The revisional application is, thus, disposed of.

(Bibek Chaudhuri, J.)