

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

The Hon'ble **JUSTICE BIBEK CHAUDHURI**

CRR 4752 of 2022

Esmatara Mondal

-Vs-

The State of West Bengal & Anr.

For the Petitioner: Mr. Sandip Dinda, Adv.

For the State: Mrs. Mamata Jana, Adv.

Heard on: 15th March, 2023.

Judgment on: 15th March, 2023.

BIBEK CHAUDHURI, J. : –

1. This is an application for expeditious disposal of Misc. Execution Case No. 97 of 2022 arising out of Maintenance case no. 94 of 2020 pending before the Learned Judicial Magistrate, 1st Court, Barasat.

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, Mrs. Mamata Jana learned Advocate is requested to assist this Court on behalf of the State. Appointment of Mrs. Mamata Jana learned advocate 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 15th July, 2016 as per muslim rites and customs. Out of their wedlock a female child was born on 19th September, 2019. After the birth of the child the petitioner was subjected to mental and physical torture from the opposite party no. 2/husband who neglected to take care of the petitioner and her daughter. The petitioner filed an application for maintenance before the Learned Court below which was registered as M. case no. 94 of 2020. The case was pending for long and on 21st April, 2022 the Learned Court below directed the opposite party no. 2 to pay interim maintenance of Rs. 6000/- for the petitioner and Rs. 3000/- for her daughter from the date of filing of the case. The opposite party no. 2 did not pay arrear of the interim maintenance for a period of 26 months which culminated in Rs. 2,34,000/-. The petitioner filed an application for realization of the arrear amount which was registered as Misc. Execution case no. 97 of 2022 on 25th April, 2022 and date was fixed for appearance and service return on 8th June, 2022. and his family members and was neglected and deserted by the opposite party no. 2. Several dates have been fixed without any progress in the case. Next date was fixed on 17th February, 2023.

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 hear the case and conclude the same as expeditiously as possible.

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

(Bibek Chaudhuri, J.)