

10-04-2024
Subha
Item no.09
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 206 of 2024

Sri Pradip Dey.

-versus-

Smt. Swapna Dey

Mr. Pawan Kumar Gupta
Mr. Subrata Saha
Ms. Sofia Nesar
Mr. Abhijit Biswas
....for the petitioner.

Mr. Sachit Talukdar
...for the O. P.

Learned advocate appearing for the petitioner as well as the opposite party is present. Learned advocate for the petitioner intends to harp on the issue in respect of the documents in his possession which fortifies his claim in the application under Section 127 CrPC for canceling or recalling the order granting maintenance in connection with M. Case No. 14 of 2010.

I find that the application under Section 125 CrPC has been numbered as Misc. Case No. 12 of 2022 and the learned Magistrate has rightly observed that the contentions raised by the petitioner/husband in the application under Section 127 CrPC can only be decided after taking evidence.

Having considered the materials and the arrears with which the husband is foisted, I direct the learned trial court to dispose of or at least complete the evidence on behalf of the applicant/husband within a period of sixty days from the date of communication of this order.

By no means the time frame should be extended beyond 90 days from the date of communication of this order.

No interference is made at this stage. The observations made hereinabove will not have any impact on the finality of the reasons/judgement, which will be arrived at by the learned Magistrate who decide the issues independently.

With the aforesaid observations, the present revisional application being CRR 206 of 2024 is disposed of.

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

[Tirthankar Ghosh, J]