

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

CRR 367 of 2018

Mousumi Nayek
Vs.
State of West Bengal & Anr.

Mr. Suprabhat Bhattacharya
Mr. Suranjan Mandal
... For the petitioner

Mr. Saurabh Guha Thakurata
Ms. Nilanjana Sarkar
Mr. Abhratanu Sarkar
... For the opposite party no.2

1. This revisional application has been filed assailing the order dated 11th December, 2017 passed by the learned Judicial Magistrate, 1st Court, Diamond Harbour, South 24-Parganas in connection with Misc. Case No.12 of 2015 arising out of an application under Section 127 of the Code of Criminal Procedure.
2. Learned counsel appearing on behalf of the petitioner/wife has submitted that by the impugned order, the learned Magistrate enhanced quantum of Rs.2,000/- towards maintenance of the son of the petitioner/wife in disposing of an application under Section 127 of the Code of Criminal Procedure filed by the petitioner/wife.
3. Being aggrieved, the instant revisional application has been preferred by the petitioner/wife.
4. Learned counsel appearing on behalf of the petitioner/wife has admitted that after filing of the instant revisional application, the petitioner has again filed one application under Section 127 of

the Code of Criminal Procedure before the learned Judicial Magistrate, 1st Court, Diamond Harbour, South 24-Parganas, which has already been registered as Misc. Case No.13 of 2022.

5. To that effect, learned advocate appearing on behalf of the opposite party no.2/husband has referred to subsequent application under Section 127 of the Code of Criminal Procedure along with order of the Court for registration of the Misc. Case No.13 of 2022 annexed with the affidavit-in-opposition.

6. Given facts and circumstances, I find that the instant revisional application assailing the earlier order passed by the learned Magistrate on an application under Section 127 of the Code of Criminal Procedure has become redundant as the petitioner/wife has already filed one application under Section 127 of the Code of Criminal Procedure subsequently before the learned Magistrate which was registered as Misc. Case No.13 of 2022. Therefore, the contention of the parties with regard to the enhancement of quantum of maintenance passed under Section 125 of the Code of Criminal Procedure may be dealt with by the learned Magistrate in disposing the subsequent application under Section 127 of the Code of Criminal Procedure, being registered as Misc. Case No. 13 of 2022.

7. In the aforesaid view of the matter, I find no merit in the instant revisional application.

8. The revisional application stands dismissed, with a direction upon the learned Judicial Magistrate, 1st Court, Diamond Harbour, South 24-Parganas, to dispose of the application under Section

127 of the Code of Criminal Procedure, registered as Misc. Case No.13 of 2022, as expeditiously as possible.

9. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

10. Criminal Section is directed to supply certified copy of this order, if applied for, upon compliance of necessary formalities.

(Bibhas Ranjan De, J.)