

D/L49
21.02.2024
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C.R.R.643 of 2024

In Re: An application under Section 482 read with 401 of the Code of Criminal Procedure, 1973;

Mousumi Bhattacharya nee Biswas
Versus
Sri Saikat Bhattacharya and another

Mr. Bibaswan Bhattacharya
Mr. Tapan Kumar Mahapatra.
...for the petitioner.

Petitioner has challenged the order dated 09.01.2024 passed by the learned Sessions Judge, 24 Parganas (South), Alipore in Criminal Motion No.15 of 2024.

The subject matter of challenge in the revisional application was Misc. Execution Case No.655 of 2023 arising out of M. Case No.154 of 2020.

I find from the copies enclosed along with the revisional application that the said execution case was filed for arrears accrued to the tune of Rs.13,20,000/-. Learned Sessions Judge while exercising its revisional jurisdiction directed for admitting the revisional application and passed an interim order subject to one time payment of Rs.10,000/-. The said interim order is contrary to the basic principles and is not commensurate with the arrears which accrued and prayed for by the petitioner before the learned trial court.

In view of the aforesaid, I direct the interim order dated 09.01.2024 be vacated. The revisional court being the learned Sessions Judge, 24 Parganas (South), Alipore or any court which

has been assigned to deal with Criminal Motion No.15 of 2024 would dispose of the revisional application on merits within 60 days of the next date so fixed. Pendency of Criminal Motion No.15 of 2024 would not deter the learned Judicial Magistrate, 10th Court, Alipore to proceed with M. Ex.No.655 of 2023.

With the aforesaid observations, CRR 643 of 2024 is disposed of.

Pending connected application, if any, is consequently disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)