

28-02-2024
Subha
Item no. 58
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 809 of 2024

Sri Baidyanath Chowdhury
-versus-
The State of West Bengal and anr.

Mr. Mihir Saha

.....for the petitioner.

Petitioner relies upon an order dated 08-11-2023 passed in Misc. Case No. 229 of 2016 by the learned Judicial Magistrate, 3rd court, Chandannagar submitting that the learned Magistrate allowed the prayer for vacating ex parte hearing of the case and on payment of cost of Rs.700/- vacated the ex parte hearing order. According to the learned advocate, as such the execution case being Misc. (Ex) No - 117 of 2023 is not maintainable and in respect of the same, the said execution case is continuing before the same court. The order dated 08-11-2023 do not reflect that the earlier order for interim maintenance was recalled. The only reference in respect of the proceeding is “vacating the ex parte hearing order”.

Learned Judicial Magistrate, 3rd court, Chandannagar would clarify whether the order for interim maintenance which was passed on 04-07-2023 was recalled or not in its order dated 08-11-2023. The learned Magistrate will then accordingly take steps in connection with Misc(Ex) No. 117 of 2023. Learned Magistrate is further directed to clarify the same and pass orders within a period

of 10 days from the date of communication of this order in view of the fact that the case is pending since the year 2016.

With the aforesaid observations, the revisional application being CRR 809 of 2024 is disposed of.

Pending applications, if any, are consequently hereby 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]