

05-03-2024
Subha
Item no. 33
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 928 of 2024

Anushuya Acharjee (Ghosh)
-versus-
The State of West Bengal & Anr.

Mr. Angshuman Chakraborty
Mr. S. S. Saha
.....for the petitioner.

Petitioner is aggrieved by the fact that till date she has not received a farthing and her application for interim maintenance is pending since 22nd November, 2021. I find that the case under Section 125 of the Code of Criminal Procedure being ACM Case No. 810 of 2021 is pending before the learned Judicial Magistrate, 9th court, Alipore, South 24 Parganas for more than two and half years.

As complained by the learned advocate for the petitioner that there is a design to delay the proceeding and harass the present petitioner keeping her under financial stress. Learned Magistrate will see that if repeated adjournments are prayed and a ploy is adopted to delay the proceedings, it would adhere to the provisions of Section 125 of the Code of Criminal Procedure strictly which mandates that within a period of sixty days from the date of service of notice upon the opposite party, the interim maintenance application should be decided, and as such take stern steps by disposing of the application for interim maintenance on the next

date so fixed or within a fortnight thereafter.

The interim maintenance application would be disposed of within the timeline so fixed in spite of any resolution of the local Bar and the learned Magistrate, if required, will ex parte proceed to pronounce his verdict on the interim maintenance application in accordance with law. Thereafter, the learned trial court would fix at least one date in every two months for the purposes of the trial of the case so that the trial of the case can be taken to its logical conclusion within a reasonable period of time.

With the above observations, the present revisional application being CRR 928 of 2024 is disposed of.

Pending applications, if any, are consequently 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]