

D/L 48
06.03.2024
Bpg.

C.R.R.1307 of 2023

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

Sri Prolay Sangupta @ Pralay Sengupta
Versus
Smt Ruma Sengupta

Mr. Subrata Saha
Mr. Abhik Biswas
Mr. Anirban Sikder.
...for the petitioner.

The petitioner has challenged the order dated 16.12.2022
and the order dated 02.03.2023 in connection with M. Case No.151
of 2019 which is pending before the learned Judicial Magistrate, 2nd
Court, Barasat, North 24 Parganas.

I do not find any illegality in the impugned order as show
cause was issued to the opposite party/husband who has
approached this Court and on 16th December, 2022 without any
steps the husband/opposite party was absent. Petitioner
emphasizes that on 2nd March, 2023, hazira was filed as is reflected
but still then a date was fixed on 13th April, 2023 for ex parte
hearing.

Learned Judicial Magistrate, 2nd Court, Barasat, North
24 Parganas is directed that if an application for interim
maintenance till date has not been disposed of, the same be
disposed of within a period of 60 days and if the petitioner intends
to have an audience, he may be allowed to have an audience before
the court. In the alternative, if the interim maintenance application

has already been considered and disposed and the petitioner intends to participate in the trial of the proceedings, petitioner/husband may be allowed to participate in the cross-examination and all subsequent process so pending in connection with M. Case No.151 of 2019.

With the aforesaid observations, the revisional application being CRR 1307 of 2023 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.)