

09.05.2024
Serial no.20
Aloke
Ct. No. 30

**CRR 1719 of 2022
with
IA No. CRAN 3 of 2023**

**Sri Rajib Panja
Vs.
The State of West Bengal & Anr.**

For the Petitioner : Mr. Ayan Bhattacharjee,
Mr. Indrajit Adhikari,
Mr. Mujibar Ali Naskar.

For the Opposite Party : Mr. Pawan Kr. Gupta,
Ms. Sofia Nesar,
Mr. Santanu Sett.

1. The present revisional application has been preferred praying for staying of the order dated 23.03.2022 and all subsequent orders in Execution Case No. 51 of 2021, in Misc. Case No. 558 of 2018, pending before the learned Judicial Magistrate, 1st Court, Howrah.
2. In the present revision, the petitioner has prayed for the following relief:-

“further stay of all further proceeding in Execution Case NO. 51 of 2021 and proceeding of DV Misc Case No. 558 of 2018 pending before the Learned Judicial Magistrate, 1st Court, Howrah till the pendency of transfer application being M.P. Case No. 16 of 2020 pending before the Learned Chief Judicial Magistrate, Howrah”.

3. It is submitted by the learned counsel for both the parties herein that the learned Magistrate in respect of whom an

application under Section 410 of Cr.P.C. had been preferred has now been transferred and, as such at this stage the application under Section 410 of Cr.P.C. has become infructuous.

4. Accordingly, the parties pray for necessary orders.
5. The learned counsel for the petitioner has brought to the notice of this Court, an order dated 23.12.2021 passed in CRR 2605 of 2021 wherein a Coordinate Bench of this Court had disposed of the revisional application by directing the learned Magistrate to dispose of the application within a specific period.
6. Accordingly, the present revisional application is disposed of, with the direction upon the learned Magistrate to make all endeavour to dispose of the Misc. Case finally within a period of six months on hearing both the parties and following the guidelines of the Hon'ble Supreme Court in ***Rajnish vs. Neha & Anr. (2021) 2 SCC 324.***
7. The learned Magistrate shall also consider the execution case/s preferred by the opposite party/wife herein in accordance with law.
8. All connected applications, if any, stand disposed of.
9. Interim order, if any, stands vacated.
10. Copy of this order be sent to the learned Trial Court for necessary compliance.

- 11.** Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Shampa Dutt (Paul), J.)