

09.05.2024
Serial no.19
Aloke
Ct. No. 30

CRR 1799 of 2022

Smt. Paromita Basu

Vs.

Rajib Panja

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

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

1. The present revisional application has been preferred praying for staying of the entire proceeding in connection with M.P. Case No. 16 of 2020, pending before the learned Chief Judicial Magistrate, Howrah, till disposal of an application under Section 410 of Cr.P.C., before the said Court.
2. In the present revision, the petitioner has prayed for the following relief:-

“petitioner prays for stay of the proceedings being M.P. Case No. 16 of 2020, now pending before the learned Chief Judicial Magistrate, Howrah, in the form of an application under Section 410 of the Code of Criminal Procedure, 1973 till the pendency of the present revisional application”.

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. As the said order was not complied, the present revisional application has been preferred.
7. The said application under Section 410 of Cr.P.C. has now thus become infructuous.
8. 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 ***Rajnesh vs. Neha & Anr. (2021) 2 SCC 324.***
9. The learned Magistrate shall also consider the execution case/s preferred by the opposite party/wife herein in accordance with law.
10. All connected applications, if any, stand disposed of.
11. Interim order, if any, stands vacated.

- 12.** Copy of this order be sent to the learned Trial Court for necessary compliance.
- 13.** 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.)