

CRR 1998 of 2022

Md. Adesh Sk @ Md. Adesh Ali

Vs.

The State of West Bengal & Anr.

For the petitioner : Mr. Tapan Datta Gupta,
Mr. Parvej Anam.

For the State : None.

For the Opposite Party : None.

1. Affidavit-of-service showing due service is filed. In spite of due service there is no representation on behalf of the opposite party no. 2/wife. Let the affidavit-of-service be kept with the record.
2. The present revisional application has been preferred by the husband/petitioner against the judgment and order dated 23.02.2022 passed by the learned Additional Sessions Judge, Fast Track Court-I, Malda in Criminal Revision No. 05 of 2021 affirming the order dated 29.02.2020 passed by the learned Judicial Magistrate, 1st Court, Malda, in Case No. 280M of 2019 (TR No. 636 of 2019) **under Section 125 Cr.P.C.**
3. It appears that the order of the learned Magistrate dated 29.02.2020 was affirmed by the learned Sessions Judge, vide the order under revision.
4. The present proceeding and the order under revision arises out of a proceeding under Section 125 Cr.P.C. and

the order under revision relates to an order of **interim maintenance**.

5. On hearing both the parties and considering the materials on record, this Court is of the view that the order of the learned Trial Court requires no interference at this stage and that the parties should appear before the learned Trial Court and have the matter heard finally.
6. The learned Trial Court shall dispose of the application under Section 125 Cr.P.C. finally following the guidelines of the Hon'ble Supreme Court in ***Rajnish vs. Neha & Anr., (2021) 2 SCC 324***.
7. Both the parties are at liberty to file their respective affidavit-of-assets and liabilities before the learned Trial Court within one month from the date of this order and the Trial Court shall make necessary efforts to dispose of the present proceeding within six months thereafter.
8. The parties to the proceeding before the learned Trial Court shall be permitted by the Trial Court to bring on record the relevant subsequent developments necessary for proper adjudication of the said application, which the learned Trial Court shall consider in accordance with at the time of final disposal.
9. **The present revisional application being CRR 1998 of 2022 is, thus, disposed of.**
10. All connected Applications, if any, stands 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 certified website copy of this order, if applied for, be supplied expeditiously after complying with all, necessary legal formalities.

(Shampa Dutt (Paul), J.)