

11.03.2024

Item No.18
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 2248 of 2023

In the matter of : **Smt. Ivy Kundu alias Ivy Chandra**
... Petitioner.

Mr. Anjan Ray,
Mr. Subhajit Chowdhury ... For the Petitioner.

Mr. Joyjit Roy Choudhury,
Mr. Shuvajit Bose ... For the Opposite Party Nos. 1 to 4.

Ms. Manisha Sharma ... For the State.

Affidavit-of-service filed on behalf of the petitioner be
kept with the record.

Leave is granted to the learned advocate for the
petitioner to amend the cause title.

The petitioner is aggrieved by the order dated
12.05.2023 passed by learned Sessions Judge, Howrah in
Criminal Appeal No. 17 of 2023 wherein the learned sessions
court while admitting the revisional application was pleased
to reduce the quantum of interim monetary relief and made
the same as a condition precedent for stay of the proceedings
being Misc. Case No. 432 of 2020 which is pending before the
learned Judicial Magistrate, 2nd Court, Howrah.

Since the Criminal Appeal No. 17 of 2023 is pending
before the learned Sessions Judge, Howrah and the appeal is
yet to be completely disposed of, I direct the learned appellate
court to dispose of the appeal within a period of 60 days from
the next date so fixed. The learned trial court would fix as
many number of dates as it would deem fit and proper, but
will not stretch the time line.

In case there is any default in payment of monetary relief as directed by the learned sessions court, the learned sessions court will be at liberty to vacate the interim order already granted.

All efforts be taken so that the time line is not stretched in any manner whatsoever.

So far as any execution case filed in connection with Misc. Case No. 432 of 2020 is concerned, the learned Judicial Magistrate, 2nd Court, Howrah would fix one date in a month irrespective of any date fixed by the learned appellate court and assess as to whether there is any arrears in connection with the instant case. The final decision so far as the execution case and its arrears or its quantification is concerned, if it is huge, would be decided after the appeal. So far as the regular payment is concerned or the minimum arrears which have accrued, the learned Magistrate must pass specific direction and in a time bound manner direct the respondents to disburse the same.

With the aforesaid observations, the revisional application being CRR 2248 of 2023 is disposed of.

Pending connected application, if any, is consequently disposed of.

All concerned 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 with all requisite formalities.

(Tirthankar Ghosh, J.)