

CRR 3206 of 2022

Suchismita Naskar @ Sikdar
vs.
The State of West Bengal & Anr.

Mr. Prokash Chandra Mandal
Mr. Dinesh Chandra Mandal
... for the petitioner
Mr. Pradip Kr. Mondal
Mr. Arka Mondal
... for the opposite party no. 2

The present revisional application has been preferred against the order dated 08.06.2022 passed by the learned Judicial Magistrate, 1st Court, Diamond Harbour, South 24 Parganas rejecting the application under Section 125 Cr.P.C. in M. Case No. 506 of 2012 (T.R. No. 788 of 2013).

It appears from the order under revision that the learned Trial Court has refused maintenance in respect of the daughter of the parties who has now attained majority.

Learned counsel for the opposite party no. 2 has relied upon the judgment in the case of **Abhilasha vs. Parkash & Ors.** reported in **AIR 2020 SC 4355**.

The learned Trial Court has also dismissed the application under Section 125 Cr.P.C. on the ground of it not being maintainable because a previous case under Section 125 Cr.P.C. is still pending and without disposing of the said case the present case has been filed.

Considering the said facts, this Court finds no irregularity in the said order under revision. As such, this Court is of the view that the said order requires no interference.

Accordingly, the present revisional application is disposed of with the direction upon the learned Magistrate to dispose of the pending proceeding under Section 125 Cr.P.C. on the basis of the materials before it within a period of three months from the date of communication of this order.

All connected applications, if any, stand disposed of.

Interim order, if any, stands vacated.

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.)