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08.10..2024
Ct. 236
ASR

In The High Court At Calcutta
Criminal Revisional Jurisdiction
C.R.R 3895 of 2024

In the matter of : Pooja R Sao -Vs- Romi Sao & Ors.

Mr. Arindam Paul
Ms. Joyeeta Das
Ms. Debavati Das

.....for the Petitioner

Mr. Sandipan Ganguly
Mr. Dipanjan Dutt
Mr. Sushmit Dutt
Ms. Ratnadipa Sarkar

....For the opposite party no. 1 & 2

Learned counsel for the petitioner and learned counsel for the opposite parties are present.

Heard learned Counsels.

This revisional application is directed against order dated 14.08.2024 passed by learned Sessions Judge, South 24 Parganas, at Alipore in Criminal Appeal no. 195 of 2024.

Learned Sessions judge by order dated 14.08.2024 was pleased to stay the operation of the order passed by learned Judicial Magistrate, 1st Court, at Alipore on 29.07.2024 in C Case no. 1154 of 2024. As the learned Magistrate in the order dated 24.07.2024 passed in C Case no. 1154 of 2024 was pleased to dispose of the interim application for protection filed by the petitioner by restraining the respondents from disposing or disturbing the possession of the

petitioner in the shared household in ground floor, Ballygunge 700020 for a period of 30 days from the date of passing of the order. Respondents were further restrained from alienating or disposing of the shared household for about 30 days from the date of passing of this order.

The first submission made by the learned Advocate for the opposite party is that the order passed by the Learned Magistrate is not sustainable in the eye of law and secondly the order passed on 29.7.2024 was for a period of 30 days and said order has lost its force and can not be extended by this court in this revisional application.

Learned Advocate for the petitioner submits that his client is apprehending dispossession and dispossession can take place at any point of time and prays for an order of protection for an interim period till the disposal of C Case no. 1154 of 2024 pending before the Judicial Magistrate, 1st Court, at Alipore, South 24 Parganas.

Upon hearing the Learned Advocates for the parties and considering the facts of the case, this court of the view that as C Case no. 1154 of 2024 is pending for disposal before learned Judicial Magistrate, 1st court, Alipore, South 24 Parganas and the order dated 29.07.2024 was for a period of 30 days and the same has expired, this revisional application should be disposed by remitting the matter back to the learned Magistrate for expeditious disposal in accordance with law.

The matter is thus remitted back to learned Judicial Magistrate, Alipore, South 24 Parganas to dispose of C Case no. 1154 of 2024 by advancing the date already fixed being 12.11.2024.

The petitioner is granted liberty to pray for advancement of the date of next hearing upon notice to the opposite party and by moving necessary petition on the very reopening date after Puja vacation which the Learned Magistrate should consider and take necessary decision.

As learned Advocate prays for interim protection till the date of reopening of the court of Magistrate it is hereby made clear that in the mean time if there is any eventuality the petitioner may approach the Learned Magistrate for necessary orders. In the event regular court is not sitting the matter to be taken by court-in-charge.

This revisional application stands disposed of.

As this revisional application is disposed the appeal pending before the Sessions Judge (1/C) at Alipore being in Criminal Appeal Case no. 195 of 2024 has also become infructuous and the same is treated to be disposed.

(Biswaroop Chowdhury, J.)