

April 29, 2024

AP (24)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Criminal Revisional Jurisdiction**

**CRR 301 of 2023
With
IA. No. CRAN 1 of 2023**

**Dr. Vineeta Gupta.
v/s.
The State of West Bengal & Anr.**

Adv. Sidhi Sethia,

... for the petitioner.

Adv. Aditi Shankar Chakraborty, Ld. APP
Adv. Sourav Ganguly,

... for the State.

Adv. Milindo Paul,
Adv. Nabankar Paul,
Adv. Subham Das,

... for the Respondent no. 2.

Re: CRAN 1 of 2023

The application being CRAN 1 of 2023 is not pressed by the opposite party no. 2.

Therefore, the application being CRAN 1 of 2023 is disposed of as not pressed.

The order passed by the learned Additional District and Sessions Judge, Siliguri on 16th September, 2023 in Criminal Appeal no. 4 of 2023 is assailed in the present application. By the said order, the learned first appellate Court has stayed the order dated 18th November, 2022 passed by the learned Chief Judicial Magistrate, 3rd Court Siliguri on condition that the opposite party/husband shall continue to pay Rs. 10,000 per month as interim maintenance for his

minor son and Rs. 15,000 per month for his daughter from September, 2023 till disposal of the appeal. The order also records that in the event of failure to make such payment even for a single month, the order of stay shall stand automatically vacated.

Heard learned counsels for the parties.

It is not in dispute that the interim order dated 16th September, 2023 passed by the learned Additional District and Session Judge, Siliguri is being complied with by the opposite party/husband. The application under the Protection of Women from Domestic Violence Act, 2005 was filed by the petitioner on 1st August, 2019 and was disposed of by the learned trial Court by an order passed on 18th November, 2022.

Appeal was preferred by the opposite party/husband on 24th January, 2023 and is pending before the learned first appellate Court.

Upon consideration of the submission made on behalf of the petitioner, this Court is inclined to hold that since the opposite party/husband is continuing to pay interim maintenance of Rs. 10,000 per month for the minor son and Rs. 15,000 per month for the daughter in compliance with the direction of the Court passed on 16th September, 2023 it is not necessary to stay the said order in its entirety. The learned Additional District and Sessions Judge, Siliguri is directed to dispose of the Criminal Appeal being no. 4 of 2023 as expeditiously as possible, preferably within one month from the date of communication of this order, in accordance with law.

The revisional application being CRR 301 of 2023 is disposed of.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh, J.)