

CRR 2167 of 2025

**Mithu Halder
Vs.
The State of West Bengal & Anr.**

Mr. Kashiswar Ghosal

... for the Petitioner

The petitioner herein being the wife preferred an application under Section 125 of the Code of Criminal Procedure and the jurisdictional Magistrate by an order dated 20.1.2011, directed to pay maintenance of Rs. 1,000/- per month to the petitioner and Rs. 800/- per month for each of her two minor children from the date of filing of the petition. Thereafter, the petitioner herein filed an application for enhancement of the maintenance amount on 2nd December, 2020 being Misc. case no. 3 of 2020 under Section 127 of the Code.

It is further submitted that the petitioner herein had earlier made a prayer before this High Court for expeditious disposal of the aforesaid application filed under Section 127 of the Code and this court while disposing such application being CRR 1660 of 2023 made the following observations:

“Learned Magistrate within three months from 19th December, 2023 would dispose of the application under Section 127 of the Code of Criminal Procedure. Needless to state that the learned Magistrate would be at liberty to fix as many as number of dates as it would deem fit and proper for the purposes of affording opportunity to both the parties. However, by 19th March, 2024 the application under Section 127 of the Code of Criminal Procedure should be disposed of.”

However, the learned Trial court failed to dispose of the said application till date and the delay is not attributable to the

present petitioner. Accordingly, he prayed for further direction upon the court below for expeditious disposal of the said proceeding.

Having heard learned counsel for the petitioner, it appears that if the prayer made by the petitioner is allowed, the opposite parties will have no cause to prejudice and as such, service of copy of the application upon the opposite parties is dispensed with. It is very astonishing that in spite of passing specific direction by this court to dispose of the application under Section 127 of the Code by 19th March, 2025, the Magistrate concern has not taken any endeavour to obey such order in connection with a proceeding where a vagrant lady has knocked the court's door to get justice five years back.

In such view of the matter, CRR 2167 of 2025 is hereby disposed of with a direction upon the court below to dispose of the petitioner's application filed under Section 127 of the Code being Misc. Case no. 3 of 2020 positively within a period of three months from the date of communication of the order.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of the all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)