

CRR 2173 of 2025

Sri Rupen Bagdi
Vs.
Mahua Bagdi & Ors.

Ms. Sima Ghosh
Ms. Ankhi Kayal
Ms. Manoshi Mondal
.....For the Petitioner

The petitioner herein has challenged the order dated 21st March, 2025 in criminal appeal no. 12 of 2023. The petitioner's contention is that the marriage between the petitioner and the opposite party was solemnized on 10th January, 2017 and thereafter the opposite party/wife instituted a proceeding under the Domestic Violence Act wherein the trial court directed the petitioner herein to make payment a sum of Rs. 6,000/- per month to the petitioner and Rs.2,000/- to her minor child towards maintenance within 10th day of each succeeding calendar month.

Being aggrieved by that order the petitioner/husband preferred the aforesaid criminal appeal being no. 12 of 2023 before the court below and also prayed for granting stay of the impugned order dated 30th March, 2023 and the court below by an order was pleased to allow the prayer made by the appellant on condition that the appellant/petitioner shall pay 50% of the outstanding amount. Accordingly, the petitioner paid Rs.1,65,877/- and by a subsequent order dated 21st November, 2024 the order dated 30th March, 2023 was stayed till disposal of the said appeal.

However on subsequent date that is 21st March, 2025 when the matter was fixed for hearing the petitioner herein filed a petition praying for time for hearing of the appeal and learned court below after considering the submission of learned advocate for both the sides allowed the prayer for adjournment made by the appellant on condition of payment of 25% of rest 50% of the outstanding amount.

Being aggrieved by the said order the petitioner herein submits that the court below in earlier order granted stay till disposal of the instant appeal but thereafter he again directed to pay 25% of the rest 50% of the outstanding amount as a condition for granting adjournment, which is arbitrary and such direction makes the appeal infructuous.

I have gone through the grounds for adjournment which discloses that as learned counsel appearing for the husband/Appellant could not prepare himself after going through the documents, so husband's counsel sought for accommodation.

The grounds for adjournment as sought for by Appellant/husband's counsel, who prepared the grounds of appeal, appears to be not at all convincing and as such I do not find any substance in admitting the present application as also the court below in its wisdom and in its discretion has imposed the cost as a condition for granting stay. Therefore, the present application being 2173 of 2025 is hereby disposed of with a direction upon the court below to dispose of the criminal appeal being no. 12 of 2023 preferably within a period of three months from the date of communication of this order without granting any unnecessary adjournment to either of the

parties.

However it is made clear, whatever payment that would be made by the present petitioner/husband as a condition for granting stay or for granting adjournment in terms of the order of the court below, shall be subject to final determination/adjudication of the Appel.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties urgently after completion of all necessary formalities.

(Dr. Ajoy Kumar Mukherjee, J.)