

16.5.2025
Sl.34
Nandita
Court No.42

CRR 2177 of 2017

In the matter of: **Indrani Biswas**

.... Petitioner

1. Neither party is present, nor has any accommodation been sought.
2. The present Criminal Revisional Application has been pending since July 2017, indicating a significant passage of time without effective prosecution.
3. The records of this Court reveal that the petitioner was initially represented by her learned Advocate, Ms. Sonali Das, whose last appearance was on 10th July, 2017. Subsequent to this date, despite the granting of several opportunities by this Court, the petitioner has remained unrepresented and has not actively pursued her case.
4. Furthermore, in an effort to ensure due process, administrative notices were directed to be served upon both parties on multiple occasions. However, the report submitted by the Assistant Registrar-XII, dated 8th May, 2025, unequivocally indicates that service upon the petitioner could not be effectuated as she has not been residing at the given address for a considerable period.

This unsuccessful attempt at service further underscores the petitioner's disengagement from the proceedings.

5. This Court has considered the prolonged absence of the petitioner, despite the repeated directions and opportunities extended, and the report of the Assistant Registrar-XII indicating that the petitioner is not residing at the given address. The petitioner's absence demonstrates a lack of interest in prosecuting this revisional application.
6. Considering the protracted pendency of this matter since 2017 and the minimal likelihood of the parties' appearance in the future, this Court finds no justifiable reason to further prolong these proceedings.
7. In the interest of justice and to prevent any further unwarranted delay in the adjudication of this matter, this Court deems it appropriate to proceed with the hearing ex-parte, based on the materials available on record, to ascertain whether there exists any illegality, irregularity, or impropriety in the impugned order passed by the learned Additional Chief Judicial Magistrate.
7. This Criminal Revisional Application, CRR 2177 of 2017, has been preferred under the enabling provisions of Section 482 read with Section 401 of the Code of Criminal Procedure, 1973, by the petitioner, Indrani Biswas, specifically challenging the legality, regularity, and propriety of the order dated 4th May, 2017, passed by the learned Additional Chief Judicial

Magistrate, Ranaghat, Nadia, in Miscellaneous Case No. 184 of 2016.

8. The foundation of this revisional application lies in a prior order dated 19th November, 2014, passed by the learned Additional Chief Judicial Magistrate, Ranaghat, Nadia, in Miscellaneous Case No. 20/11. By this order, the petitioner was granted a monthly maintenance of Rs. 1,000/- for herself and Rs. 3,000/- for her son.
9. Subsequently, the petitioner filed an application under Section 127 of the Code of Criminal Procedure, 1973, registered as Miscellaneous Case No. 184 of 2016 before the same Court, seeking an enhancement of the previously granted maintenance.
10. In this subsequent application, the petitioner specifically prayed for a significant increase in the monthly maintenance to Rs. 15,000/- for herself and Rs. 10,000/- for her son.
11. The sole basis for this claim of enhancement was the petitioner's assertion that the opposite party/husband's monthly income was Rs. 60,000/-, a contention that was specifically disputed by the husband.
12. Upon due consideration of the materials presented before him, the learned Additional Chief Judicial Magistrate, vide his order dated 4th May, 2017, dismissed the petitioner's application for enhancement of maintenance (Miscellaneous Case No. 184 of 2016). The primary and crucial ground for this dismissal was

the petitioner's demonstrable failure to adduce specific and cogent evidence to substantiate her claim regarding the husband's purported monthly income of Rs. 60,000/-.

13. This Court has meticulously examined the impugned order dated 4th May, 2017, passed by the learned Additional Chief Judicial Magistrate, and the materials on record. The Court finds that the learned Magistrate dismissed the application for enhancement of maintenance on the ground that the petitioner failed to provide specific and sufficient evidence to substantiate her claim regarding the husband's income. The failure to discharge this onus justified the dismissal of the application by the learned Magistrate.

14. In light of the aforementioned observations, cogent findings, and the absence of any discernible legal infirmity in the impugned order, this Court finds no just cause to exercise its revisional powers under Section 401 or its inherent powers under Section 482 of the Code of Criminal Procedure, 1973, to interfere with the considered and reasoned order passed by the learned Additional Chief Judicial Magistrate, Ranaghat, Nadia, in Miscellaneous Case No. 184 of 2016 dated 4th May, 2017.

15. Consequently, the Criminal Revisional Application, CRR 2177 of 2017, stands **dismissed**.

16. There shall be **no order as to costs**.

17. Any interim order(s) previously passed by this Court during the pendency of this revisional application shall stand **vacated forthwith.**
18. Let an urgent photostat certified copy of this order be made available to the parties upon due application and compliance with the necessary formalities.

(Uday Kumar, J.)

