

12.06.2025  
SL No.101  
Court No.22  
S.Gayen

**IN THE HIGH COURT AT CALCUTTA  
CRIMINAL REVISIONAL JURISDICTION  
APPELLATE SIDE**

**CRR 3560 of 2024**

**with**

**CRAN 1 of 2024**

**Smt. Sumi Dutta**

**Versus**

**Subrata Dutta**

Mr. Rupanyan Deb

Ms. Priya Nandy

...for the Petitioner

Ms. Anjana Banerjee

Mr. Joydeep Das

...for the Opposite Party

1. This revisional application has been filed assailing the order dated 04.04.2024 passed in Criminal Appeal No. 9 of 2024, wherein the learned Additional Sessions Judge, Fast Track-I, Barasat promulgated an *ex parte* order of stay of the order dated 01.02.2024 passed in connection with C Case No. 1459 of 2022 passed by the learned Judicial Magistrate, Bidhannagar on condition to make payment to the tune of Rs. 7000/- per month to the opposite party/husband. The learned Appellate Court also imposed a condition that in case of failure to make payment, stay shall be automatically vacated.
2. From the order dated 01.02.2024 passed by the learned Judicial Magistrate, Bidhannagar, it is found that the learned Magistrate promulgated an order thereby imposing accommodation charges to the tune of Rs. 7000/- per month in favour of the petitioner/wife

based on her application. That order was challenged in appeal being Criminal Appeal No. 9 of 2024 and the learned Appellate Court passed an *ex parte* order of stay subject to payment of Rs. 7000/- per month.

3. Learned counsel appearing on behalf of the petitioner herein has submitted that another order was passed by the learned Magistrate thereby directing the opposite party/husband to pay Rs. 8000/- per month towards educational charges for the son of the petitioner and the petitioner could not move the same before the learned Magistrate for compliance of that order as the Trial Court Record has already been called for by the learned Appellate Court in connection with Criminal Appeal No. 9 of 2024.
4. Admittedly, the appeal is pending and by the order of the learned Appellate Court the Trial Court Record was called for. According to the learned counsel appearing on behalf of the petitioner, the order in respect of educational charges passed by the learned Magistrate could not be moved on account of non-availability of the Trial Court Record.
5. Considering all the facts and circumstances, I do not find any reason to interfere with this order assailed in this revisional application as entire amount passed in order dated 01.02.2024 was directed to be paid by the appellant/husband through the order of the Court.
6. According to submission advanced before this court on behalf of the petitioner, it is found that the educational charges ordered by the learned Magistrate is not being complied with and the petitioner/wife is not in a position to take any steps before the

learned Trial Court for non-availability of the Trail Court Record which has already been called for by the learned Appellate Court.

7. In this regard, petitioner is at liberty to file necessary application before the learned Appellate Court.
8. With the aforesaid observations, the revisional application stands dismissed.
9. Interim order, if any, stands vacated and connected application, if any, also stands disposed of accordingly.
10. The learned Magistrate is requested to dispose of the appeal as expeditiously as possible.
11. Parties are at liberty to communicate this order to the learned Judge for information.
12. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.
13. Urgent Photostat certified copy, if applied for, be given to the parties upon compliance with all requisite formalities.

**(Bibhas Ranjan De, J.)**