

20.02.2025.
05.
Ct.No.28.
as

C.R.R. 3858 of 2024

***In Re:- An application under Section 528 of the
Bharatiya Nagarik Suraksha Sanhita, 2023.***

In the matter of : ***Smt. Luna Das Mondal.***

.... Petitioner.

Mr. Jayanta Kr. Biswas,
Ms. Taniya Sarkar.

...for the Petitioner.

1. Petitioner prays for expeditious disposal of the proceeding instituted under Section 125 of the Code of Criminal Proceeding wherein she has prayed for maintenance from her husband. She contends parties were married to each other on 11.05.2004 and from the wedlock a female and a male child were born on 23.03.2007 and 16.11.2009. Petitioner was subjected to torture and driven out from the matrimonial home. Opposite party is a Homeopath doctor and earns around Rs.50,000/- per month. She prayed for maintenance/interim maintenance at the rate of Rs.10,000/- per month for herself and Rs.15,000/- in all for the two minor children. The proceedings are pending since 2014.

2. I have gone through the petition as well as the order sheets. Opposite party-husband preferred an application for dismissing the maintenance application which was dismissed by the Magistrate vide order dated 13.03.2020 and the same was affirmed by the learned Additional Sessions Judge in Criminal Motion No.15 of 2022. Interim maintenance application is still pending before the Magistrate.

3. Under such circumstances, I direct the Magistrate to dispose of the interim maintenance application as expeditiously as possible preferably within 60 days in view of the second proviso to Section 125 of Code of Criminal Procedure without granting unnecessary adjournment to either of the parties.

4. Accordingly, the revision petition is disposed of.

5. Urgent Photostat certified copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Joymalya Bagchi, J.)