01.10.2026
Sl.No. 10
Ct. 39
Amalranjan

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

CRR/652/2025
BRATATI SARKAR
VS
STATE OF WEST BENGAL AND ANR

Ms. Kakali Samajpaty
Ms. Sangita Jangra
Ms. Payel Neogi
Ms. Sabina Khatun

...for the petitioner

1. This revisional application is at the behest of the petitioner/wife of the opposite party no. 2. She prays for quashing of the order dated 11.12.2024, passed by the learned Judicial Magistrate, 5th Court at Barrackpore in M. Case no. 35/2018 and further prays for expeditious disposal of the present M. Case no. 35/2018 under Section 125 of Criminal Procedure Code, 1973 pending before the learned Judicial Magistrate, 5th Court at Barrackpore.

2. It is submitted by the learned counsel appearing for the petitioner that without considering the actual income of the opposite party, the trial court has allowed the interim maintenance to the tune of Rs. 1,500/- per month for herself and Rs. 2,000/- for her minor child (son) from the date of passing of the order.

3. She further submits that the opposite party is still not paying any interim maintenance to her or her child. The

income of the husband is Rs. 50,000/- per month from the business of his fish trading and also income as a land and house broker.

4. Having regard the facts and circumstances and nature of allegation so complained of by the petitioner, this court is of the view that the opposite party shall pay the similar amount as interim maintenance to the petitioner without fail and if he fails, the petitioner would be at liberty to file the Execution Case for realisation of her interim maintenance in accordance with law, as this court is of the view that the said amount is allowed only as interim maintenance without leading any evidence from the side of the parties to prove their case as such it calls for no interference.

5. However, the alternative prayer for expeditious disposal of M. Case no. 35/2018 filed under Section 125 of the CrPC as the concerned court is vacant and pending since 2018 is considered and allowed as the prayer made by the petitioner for expeditious disposal of the case is simple and innocuous, which would not prejudice to any of the parties.

6. Trial Court or Judge-in-charge of the original court is directed to dispose of the M. Case no. 35/2018 as expeditiously as possible, independently and in accordance with law without being influenced by any of the observations made by this court without granting unnecessary adjournment to the parties considering its

pending docket and take to a logical conclusion. This court hopes and trusts that the Trial court will decide the application as expeditiously as possible giving some preference as speedy disposal is legislative intent, particularly maintenance cases.

7. Service of notice upon the opposite parties are dispensed with, since there is no need to keep this application unnecessary pending.

8. Accordingly, **CRR 652 of 2025** stands **disposed of**.

9. Consequently, the connected application, if any, stands disposed of.

10. Interim order, if any, stands vacated.

11. Let a copy of this order be communicated to the learned court below forthwith.

12. All parties shall act in terms of the copy of this order downloaded from the official website of this court.

13. Concerned Department is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Ajay Kumar Gupta, J.)