

Criminal Revision**Present: The Hon'ble Justice Ashim Kumar Roy***C.R.R. No. 3406 of 2009***Judgment On: 16-04-2010.***Smt. Jhumur Chakraborty**versus**Narendra Nath Chakraborty & Anr***POINTS:**

EXPEDITIOUS HEARING-Proceeding for maintenance instituted-Order of interim maintenance passed-Recording of evidence commenced-Wife examined in part- Hearing adjourned-Maintenance proceeding pending for last eight years- Code of Criminal Procedure, 1973 S.125

FACTS:

The proceeding for maintenance was instituted and an order of interim maintenance was passed.

The recording of evidence commenced and the wife has been examined in part but thereafter there has been no progress as the hearing was adjourned on the prayer of the husband/opposite party.

The petitioner/wife has approached this Court for a direction for conclusion of a maintenance proceeding under Section 125 of the Code of Criminal Procedure, which is now pending before the Learned Judicial Magistrate.

HELD:

Having regard to the materials on record and considering the fact that maintenance proceeding is pending for last eight years, the Court directs the Learned Court below to conclude the proceeding as expeditiously as possible, preferably within four months from the date of communication of this order. The Learned Court below is further directed to proceed with the matter on continuous basis

and not to grant any unnecessary adjournment to either of the parties unless the Court feels the same is necessary for ends of justice. Para-3

For Petitioner : Mr. Sudipta Kumar Bose

For O.P. No. 1: Md. Shahjahan Hossain
Ms. Sanjida Sultana

For State : Mr. Kashem Ali Ahmed

THE COURT:

1. By moving this criminal revision, the petitioner/wife has approached this Court for a direction for conclusion of a maintenance proceeding under Section 125 of the Code of Criminal Procedure, which is now pending before the Learned Judicial Magistrate, 4th Court, Alipore, South 24-Parganas.

2. It is submitted by the learned advocate of the petitioner that this proceeding for maintenance was instituted on 29th of April, 2003. Thereafter, on 17th of September, 2003 an order of interim maintenance was passed which was to the tune of Rs. 500/- for the wife and Rs. 300/- for the minor child per month respectively. He further submitted that on and from 12th of April, 2005, the recording of evidence has been commenced and the wife has been examined in part but thereafter there has been no progress as the hearing was adjourned on the prayer of the husband/opposite party. The allegation that the recording of evidence has been stalled due to the adjournment taken by the husband has been strongly disputed by the learned advocate of the opposite party/husband.

3. Now, having regards to the materials on record and considering the facts that maintenance proceeding is pending for last eight years, I direct the Learned Court below to conclude the proceeding as expeditiously as possible, preferably within four months from the date of communication of this order. The Learned Court below is further directed to proceed with the

matter on continuous basis and not to grant any unnecessary adjournment to either of the parties unless the Court feels the same is necessary for ends of justice.

4. Criminal Section is directed to deliver urgent Photostat certified copy of this Judgment to the parties, if applied for, as early as possible.

(Ashim Kumar Roy, J.)