

ITEM NO.7

COURT NO.11

SECTION II-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

MISCELLANEOUS APPLICATION..... Diary No. 45777/2024

**[Arising out of impugned final judgment and order dated 18-01-2024
in CrI.A. No. 2842/2023 passed by the Supreme Court of India]**

SHIV KUMAR SHAW & ANR.**Petitioner(s)****VERSUS****REKHA SHAW****Respondent(s)**

**(IA No. 215849/2025 - CONDONATION OF DELAY IN FILING
IA No. 229901/2024 - MODIFICATION)**

Date : 26-09-2025 This matter was called on for hearing today.

CORAM :

**HON'BLE MR. JUSTICE PANKAJ MITHAL
HON'BLE MR. JUSTICE PRASANNA B. VARALE**

**For Petitioner(s) Mr. Rahul Kaushik, Sr. Adv.
Mr. Rajeev Maheshwaranand Roy, AOR
Mr. Nilesh Kumar, Adv.**

For Respondent(s) Mr. Shambo Nandy , AOR

**UPON hearing the counsel the Court made the following
O R D E R**

- 1. Delay condoned.**
- 2. Mr. Shambo Nandy, learned Advocate-on-Record
has appeared for the respondent, without issuance
of notice.**
- 3. This Court vide order dated 18.01.2024
disposed of the Criminal Appeal No. 2842 of 2023
with one of the directions that the Judicial
Magistrate, 4th Court at Alipore, South 24, Parganas
may dispose of AC-2053 of 2017 within a period of**

six weeks.

4. It appears that the learned Judge was not able to dispose of the aforesaid case within the period prescribed by this Court and as such, has passed an order dated 19.03.2024 that since he is unable to dispose of the matter within the stipulated timeframe, he has ceased to have jurisdiction over the matter.

5. We are pained to note the manner in which the order has been passed by the learned Judge. If for any reason, the Judge was not able to dispose of the matter within the prescribed time period fixed by this Court, the appropriate remedy available to him was to ask for extension of time but he cannot say that he has lost jurisdiction over the matter as the time allowed has lapsed.

6. In these circumstances, we direct the District Judge concerned to call for an explanation of the Judge concerned and report to this Court within a month. He has to state as to why and under what circumstances, he has reported that he has ceased to have jurisdiction over the matter and would not proceed any further thereof.

7. Mr. Kaushik prays for and is allowed two weeks' time for filing response and to bring on record the reasons for the delay caused in deciding

the aforesaid case.

8. The Registry is directed to send a copy of this order to the relevant Authorities.

(SNEHA DAS)
SENIOR PERSONAL ASSISTANT

(NIDHI MATHUR)
COURT MASTER (NSH)