

GAHC010007482024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.Rev.P./18/2024

MD MAZIBUR RAHMAN
S/O MD. MOMTAZ ALI
R/O KUSUMTOLI
P.O. SIBASTHAN
P.S. SAMAGURI
DIST. NAGAON, ASSAM

VERSUS

MUSSTT AJIMON NESSA
W/O MD. MAZIBUR RAHMAN
D/O MD. AJIMUDDIN
R/O SONARIBALI
P.S. SAMAGURI
DIST. NAGAON, ASSAM

Advocate for the Petitioner : MR S DAS

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 18-01-2024

Heard Mr. S Das learned counsel for the petitioner.

This application under section 397/401 Cr.P.C read with section 482 Cr.P.C challenging the order dated 05.10.2023 passed by the learned Additional Sessions Judge, No.3 Nagaon in Crl. A

No.23(N)/2022 arising out of the order dated 03.09.2022 passed in DV Case No.144/2020 passed by the learned SDJM (S), Nagaon, Assam.

The respondent filed an application under the provisions of the DV Act before the trial Court. The present petitioner being the husband received notice and engaged a lawyer to contest the case.

It has been submitted that the said lawyer did not file a written objection, therefore, the court passed the order dated 03.09.2022 ex-parte. The petitioner filed an appeal before the learned Additional Sessions Judge, No.3, Nagaon and the trial Court also agreed with the trial court and dismissed the appeal.

The present application has been filed stating that the lawyer engaged by the petitioner did not take proper steps, as a result of which the impugned judgment came into being. It has also been submitted that the petitioner is a disabled person.

I have considered the submissions advanced by the learned counsel for the parties.

It has been submitted that the petitioner has not taken any steps against his lawyer for his failure to file written statement and contest the case properly. Therefore, the petitioner failed to show any jurisdictional error so that this court can interfere, I find this revision petition being devoid of merit and stands dismissed.

JUDGE