

GAHC010157202023



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

Case No. : Crl.Rev.P./283/2023

HAZRAT ALI
S/OLATE ASU MONDAL
VILL- PUTHIARI
P.S. KACHUMARA
DIST. BARPETA, ASSAM
PIN-781127

---VERSUS---

SABIA KHATUN
D/O ABDUL KADER
VILL- NIGHTOR
P.O. NAGARBERA
P.S. NAGARBERA
DIST. KAMRUP

Advocate for the Petitioner : MR. A ROSHID

Advocate for the Respondent : MD A ALI

- B E F O R E -

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA
ORDER

09.01.2024

Heard Mr. A. Roshid, learned counsel appearing for the petitioner. Also heard Md. A. Ali, learned counsel appearing for the sole respondent.

It is the petition under Section 397/401 of the Code of Criminal Procedure, 1973

challenging the *ex-parte* order dated 29.04.2023 passed by the learned Principal Judge, Family Court, Barpeta in F.C.(Crl.) Case No.644/2022.

Learned counsel for the sole respondent has agreed that he will contest the case before the Trial Court and he has no objection if the impugned order is set aside and the matter is remanded to the Trial Court for fresh disposal.

I have considered the submissions made by the learned counsel for both the sides.

The impugned *ex-parte* order dated 29.04.2023 passed by the learned Principal Judge, Family Court, Barpeta in F.C.(Crl.) Case No.644/2022 is set aside and the matter is remanded to the Court of learned Principal Judge, Family Court, Barpeta for fresh disposal after hearing both the sides.

The parties are directed to appear before the Family Court, Barpeta within next 10(ten) days from today.

With the aforesaid direction, the instant criminal revision petition stands disposed of.

JUDGE

Comparing Assistant