

GAHC010266942023



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

Case No. : Crl.Rev.P./506/2023

SHAFIQUUL ISLAM
S/O OMAR ALI
VILL- UTTAR MOINBORI
P.O. TITA PANI
DIST. BARPETA, ASSAM
PIN-781321

VERSUS

MAMANI KHATUN
D/O SAHAB ALI
VILL- KALGACHIA
P.O. KALGACHIA
DIST. BARPETA, ASSAM
PIN-781321

Advocate for the Petitioner : MR. A ROSHID

Advocate for the Respondent : MR. S R BARBHUIYA

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

22.03.2024

Heard Mr. A. Roshid, learned counsel for the petitioner. Also heard Mr. M.

Haque, learned counsel for the respondent.

This application under Section 397/401 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, Shafiqul Islam, impugning the order dated 16.11.2023 passed in FC(Crl.) Misc. Case No. 571/2022 by the learned Principal Judge, Family Court, Barpeta, whereby the petitioner was directed to deposit an amount of Rs. 40,000/- for the medical treatment of the respondent Mamoni Khatun, which she may likely to incur for treatment of her ailment at Septoplasty at Guwahati.

Learned counsel for the petitioner has submitted that the petitioner is aggrieved only to the extent that as the treatment for Septoplasty is also available at Barpeta, where a medical college has also been established. The trial court should not have granted the expenses for treatment of the said ailment at Guwahati.

Learned counsel for the petitioner has also submitted that he has instructions from the petitioner that the petitioner is ready to incur all the expenses for medical treatment of the respondent, if the said treatment is taken at Barpeta as according to the learned counsel for the petitioner, the treatment of Septoplasty is available at Barpeta Medical College and Hospital.

On this, learned counsel for the respondent has submitted that considering the offer by the petitioner to bear all expenses at Barpeta, this revision petition may be disposed of with a direction pursuant to submissions made by the learned counsel for the petitioner and the respondent shall have no objection to same.

Considering the submissions made by the learned counsel for the parties, this revision petition is disposed of with the necessary modification in the impugned order only to the extent that the petitioner, Shafiqul Islam shall bear

all the expenses to be incurred for the treatment of the informant Mamoni Khatun for her ailment of Septoplasty at Barpeta Medical College and Hospital, Barpeta.

In the event the said treatment is not available in the Barpeta Medical College and Hospital, Barpeta, the petitioner shall bear the expenses of the said treatment at, Guwahati.

With the above observations, this criminal petition is hereby disposed of.

The interim order dated 28.11.2023 passed in this criminal petition is hereby vacated.

Let a copy of this order be furnished to the learned Principal Judge, Family Court, Barpeta.

JUDGE

Comparing Assistant