

05.10.2020

Sl. No. 11

Ct. No.05

Srimanta/Mithun

IA No.CRAN/1/2020 (Old No.: CRAN/2866 /2020)

in

CRR /1061/2020

(Via Video Conference)

In Re: An application under Section 227 of the Constitution of India in connection with the impugned order dated 14.01.2020 passed by the learned Sessions Judge, Paschim Bardhaman, Asansol in connection with Criminal Revision No.72 of 2019 arising out of Misc. Case No.10263 of 2018 under Section 125 of the Criminal Procedure Code.

And

In the matter of : Sanjit Majumdar.

... Petitioner

Mr. Gourav Das, Adv.,
Mr. K.P.Chatterjee, Adv.

... for the petitioner

Mr. Krishan Ray, Adv,
Mr.Apurba Ghosh, Adv.

... for Opposite Party No.2

Mr. Arijit Ganguly, Adv.,
Mr. S.K.Dan, Adv.

... for the State

The instant criminal revision has been filed beyond the period of limitation.

It is submitted on behalf of the petitioner that due to pandemic situation he could not file the instant criminal revision challenging the impugned order dated 14th January, 2020 wherein the learned Sessions Judge disposed of Criminal

Revision No.72 of 2019 which was filed by the opposite party No.2 against the order of interim maintenance.

On perusal of the instant application it is found that the petitioner has challenged the order dated 14th January, 2020 on 25th June, 2020 and the instant criminal revision is palpably barred by limitation. When it is pointed out to the learned Advocate for the petitioner he prays for liberty to withdraw the instant application with liberty to file a fresh application along with an application under Section 5 of the Limitation Act.

In view of such submission, the instant Criminal Revision is dismissed as withdrawn with liberty to the petitioner to file a fresh criminal revision on the selfsame cause of action along with an application under Section 5 of the Limitation Act.

Petitioner is further directed to deposit the arrear maintenance which was granted by the learned Judicial Magistrate, without prejudice to the rights and contentions of both the parties within 15 days from the date of passing of this order.

(Bibek Chaudhuri, J.)