

12.08.2021
Item no.40
Ct. No.34
CHC

C.R.R. No.569 of 2012

(Via video Conference)

In Re: An application under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973..

AND

In the matter of:-

Kali Mondal

... petitioner

Mr. Saibal Mondal,

Ms. Nibedita Chakraborty

...for the petitioner

The present revisional application is aggrieved by the judgement and order dated 30.11.2011 passed by the learned Additional Chief Judicial Magistrate, Diamond Harbour, wherein the learned court on an appreciation of the evidence of the case came to a finding that the present petitioner has failed to make out any case for claiming maintenance under the provisions of Section 125 of the Code of Criminal Procedure.

I have perused the order and I find that the learned Magistrate has relied upon specific circumstances and depositions of witnesses to come to a finding thereby denying the petitioner any maintenance.

On an appreciation of the judgement so delivered by the learned trial court and the scrutiny of the same, this Court is of the considered view that the learned Magistrate made a thorough

assessment of the evidence before coming to such finding and as such this Court do not find any reason to interfere with the judgement and order dated 30.11.2011.

However, if the petitioner is able to adduce fresh evidence before the Court the learned Magistrate would be at liberty to rescind/alter the earlier judgement and order dated 30.11.2011 as the issue relates to maintenance.

With the aforesaid observations, the revisional application being C.R.R.569 of 2011 is disposed of.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby vacated.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)