

Sr.19
10-09-2021
Subha.
Court no. 34

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE
(Via Video Conference)**

CRR 608 of 2011

In the matter of : Hasnara Khatun.petitioner.

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

The order of the learned District and Sessions Judge while exercising its revisional jurisdiction is in total misconception of law as he has been pleased to observe as follows:-

“Therefore, the ld. Judicial Magistrate has got no jurisdiction to allow a petition u/s. 125 of Cr.P.C filed by the Muslim divorced woman.

So the order passed by the ld. Judicial Magistrate in the instant case is quite illegal and without jurisdiction and requires interference. As such, the said order is liable to be set aside and accordingly the instant criminal revision is required to be allowed.

The order of the learned Additional District and Sessions Judge, Fast Track, 5th Court, Malda dated 23.12.2010 is set aside and the order passed by the learned

Judicial Magistrate, 1st Court, District - Malda dated 14.05.2010 is hereby restored.

The learned Judicial Magistrate, 1st Court, Malda is directed to issue notice for recovery of the arrears from the husband/opposite party and give effect to the order dated 14.05.2010.

Accordingly, the present revisional application being CRR 608 of 2011 is allowed.

Department is directed to communicate this order to the learned Judicial Magistrate, 1st Court, Malda within a period of seven days who would immediately act on the server copy of this order duly downloaded from the official website of this court.

All pending applications, if any, are consequently disposed of.

All parties are to act on the server copy of this order duly downloaded from the official website of this court.

(Tirthankar Ghosh, J.)