

CRR 1538 of 2021
(Through Video Conference)

In Re:- An application under Article 227 of the Constitution of India.

And

In the matter of: **Iftikar Alam Gazni**
.....Petitioner.

Mr. Golam Mastafa,
Mr. Samirul Sardar

... For the Petitioner

Mr. Golam Mastafa, learned advocate, appearing for the petitioner submits that the application for maintenance under Section 125 of the Code of Criminal Procedure, 1973 filed by the opposite party nos. 1 and 2 before the learned Magistrate in the Court below is not maintainable.

It has been submitted by the learned advocate for the petitioner that the petitioner is a mentally retarded person and, therefore, the case should have been proceeded with in terms of Sections 328 and 329 of the Code of Criminal Procedure, 1973.

The issues raised on behalf of the petitioner need be looked into by this Court.

The petitioner will be at liberty to raise these issues before the learned Magistrate in the court below and the learned Magistrate will decide the same in accordance with law.

The revisional application being **CRR 1538 of 2021** is disposed of.

(Kausik Chanda, J.)