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September
23, 2021
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C.R.R. No.3283 of 2012
(Via Video Conference)

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

Baby Ghosh
Versus
The State of West Bengal & Anr.

Mr. Tapan Datta Gupta,
Mr. Parvej Anam,,
Ms. N. Begum.
...for the petitioner.

Mr. Tapan Dutta Gupta, learned advocate appearing for the petitioner submits that the judgment and order dated 30.03.2012 passed by the learned Judicial Magistrate, 1st Class, Bidhannagar, North 24 Parganas in Misc. Case No.410 of 2003 under Section 125 of the Code of Criminal Procedure is not based on cogent materials but only an assertion of the husband.

Learned Magistrate would reconsider whether there was suppression of material facts in respect of the marital tie between the present petitioner and the opposite party. In the background of the same, learned Magistrate would re-appreciate the facts reconsider the entitlement of the present petitioner.

Accordingly, the judgment and order so passed by the learned Judicial Magistrate dated 30.03.2012 is hereby set aside. The learned Magistrate on a fresh consideration of the evidence would arrive at an independent finding within a period of three months from the date of communication of this order.

With the aforesaid observations, CRR 3283 of 2012 is

partly allowed.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby vacated.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)