

C.R.R. 619 of 2010

**Sk. Ejajul Haque @ Khoka
Vs.
State of West Bengal & Anr.**

**In Re.: Applications under Sections 401 read with
Sections 397/482 of the Code of Criminal Procedure,
1973.**

The matter has been listed today for filing affidavit of service in respect of opposite party no. 2 and for hearing as 'contested application'.

On call, none appears for the petitioner.

This revisional application has been filed under Section 401 read with Sections 397 and 482 of the Code of Criminal Procedure assailing an order dated February 01.02.2010 passed by learned Judicial Magistrate, 2nd Court, Malda in connection with Misc. Case No. 2M of 2009 under Section 125(3) read with Section 128 of the Code of Criminal Procedure, whereby the petitioner's prayer for deciding the point of divorce, as per order dated 19.03.2008 passed by Hon'ble Justice Partha Sakha Dutta in C.R.R. 803 of 2004, was rejected.

Perused the impugned order.

Since the petitioner is not found available, the revisional application is dismissed for default.

Interim order, if any, stands vacated.

Let a copy of this order be communicated to the learned Judicial Magistrate, 2nd Court at Malda for information.

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

(Ananda Kumar Mukherjee, J.)