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June 13,
2022
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C.R.R. No.1121 of 2022

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

Balai Hazra
Versus
The State of West Bengal & Anr.

Mr. Kunal Ganguly.
...for the petitioner.

Mr. Subrata Bhattacharjya.
...for the opposite party no.2.

Mr. Ganguly, learned advocate appearing for the petitioner submits that a written statement/objection was filed in respect of the interim maintenance application preferred at the instance of the wife. Subsequently, an amendment of the written objection was also filed by the husband/opposite party.

The learned trial court as well as the learned revisional court refused to accept such amendment of the written objection being filed. I find that in the amendment of the written objection, a new point was taken up denying the marriage. Such point was not stated in the initial written objection filed before the learned trial court. The contention that the same is an amendment cannot be accepted because the same changes the nature and character of the original written objection which was filed before the learned trial court. I do not find any illegality in the orders passed by both the learned trial court as well as the revisional court. However, if the petitioner is in possession of any materials which inadvertently could not be brought to the notice of the court at the earlier stage,

the petitioner would be entitled to adduce such evidence in course of trial of the case. No interference is made at this stage so far as the orders which have been passed by the learned trial court and the revisional court.

Accordingly, CRR 1121 of 2022 is disposed of.

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.)