

15.06.2022

Item No.27
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

**C.R.R. 2272 of 2021
with
CRAN 1 of 2022**

**Anupam Sen
versus
Rina Sen**

In Re: An Application under Sections 397/401 read with Section 482 of the Code of Criminal Procedure, 1973.

Mr. Jayanta Narayan Chatterjee,
Mr. Apalak Basu,
Mr. S. Koley ... For the Petitioner.

Ms. Chandreyi Alam ... For the Opposite Party.

The petitioner has approached this Court being aggrieved by the order dated 23.09.2021 passed by learned Additional Chief Judicial Magistrate, Baruipur, South 24-Parganas in case No. M-360/2012.

I find that the proceedings are continuing since the year 2012 i.e. almost 10 years have passed. The petitioner intends to rely upon certain documents after the evidence was over and argument commenced. Now such documents were filed by way of an application. Out of 9 documents, so referred to in the application preferred before the learned Magistrate, the learned Magistrate was correctly of the opinion that two of the documents could be considered admissible in evidence and the rest of the documents were to be admitted by taking recourse to proper procedural legal recourse.

I do not find any illegality in the order passed by the learned Magistrate. However, having regard to the fact that the nature of the documents intended to be relied upon by the petitioner relates to matrimonial discord or proceedings, I am of the opinion that an opportunity must be granted to the petitioner.

Mr. Apalak Basu, learned advocate appearing for the petitioner submits that the petitioner intends to file an application under Section 311 of the Code of Criminal Procedure relying upon the rest of the 7 documents which the learned court refused to admit in evidence.

Ms. Alam, learned advocate appearing for the opposite party expresses her anguish regarding the manner in which the proceedings are progressing before the learned trial court and the sufferance of the wife/opposite party. However, learned advocate submits that the interim maintenance so awarded by the learned trial court is being received by the wife/opposite party.

In view of the aforesaid, I direct both the parties to appear personally or through their learned advocates before the learned Additional Chief Judicial Magistrate, Baruipur on 25.07.2022. The petitioner on the said date undertakes to file an application under Section 311 of the Code of Criminal Procedure enclosing photostat copies of the documents. The certified copies of the same would be brought in evidence at the time the learned Magistrate thinks fit and proper after the said application under Section 311 of the Code of Criminal

Procedure is considered by the learned Magistrate in its true and proper spirit.

It has been submitted by both the parties that the next date has been fixed on 19.11.2022. The learned Additional Chief Judicial Magistrate, Baruipur is directed to prepone the said date and conclude the evidence by 19.11.2022 and continue with the argument of the case. Any evidence, if the learned Magistrate thinks, is required should be completed by 19.11.2022.

With the aforesaid observations, the revisional application being CRR 2272 of 2021 is disposed of.

Interim order, if any, is hereby vacated.

The application being CRAN 1 of 2022 and other pending connected applications, if any, are consequently disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)