

23.09.2022
S/L No.60
KS

C.R.R. 2323 of 2021

Sri Pratap Kangsa Banik

-Vs.-

Smt. Satarupa Saha

Mr. Amajit Dey

Ms. Shakshi Rathi

..... For the Petitioner

Mr. Tanmay Basak

.....For the Respondent

The subject-matter of the revisional application relates to the proceedings being, Misc. Case No.23 of 2021 under Section 127 of the Code of Criminal Procedure.

Mr. Amajit Dey, learned advocate appears for the petitioner and draws the attention of the Court to paragraph 6 of the said application and submits that the application under Section 127 of the Code of Criminal Procedure is misconceived.

In view of the fact that the order of the Civil Court has been prayed to be interfered with by the criminal Court.

I have considered the contention of Mr. Dey, learned advocate appearing for the petitioner. However, I find that in the cause title and in the prayer reference have been made to ACM – 354/18 and the order dated 29.01.2019 which were passed by the Learned Judicial Magistrate, 8th Court, Alipore.

Having regard to the issues so canvassed, I grant liberty to the wife/opposite party(herein) to amend the contentions and incorporate the contentions with reference to ACM – 354/18. If such a prayer is made before the Learned Judicial Magistrate, 8th Court, the Learned Judicial Magistrate, would allow the prayer of the wife/opposite party herein and thereafter proceed with the hearing of the case after affording an opportunity to the present petitioner/husband for rebutting the contentions and adducing the evidence.

With the aforesaid observations, C.R.R. 2323 of 2021 is disposed of.

Pending applications, if any, are consequently disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)