

CRR 4281 of 2006

In the matter of : Sanjukta Mukherjee (nee Bhattacharjee)

Despite service of administrative notice by the department the parties are not found present in Court.

Assailing the order passed by the learned Additional Chief Judicial Magistrate, Barrackpore, North 24 Parganas on 30.10.2006 in a proceeding under Section 125 of Cr.P.C. being Case No. M-289 / 03 whereby the learned Trial Court was pleased to dismiss the petition filed by Sanjukta Mukherjee seeking maintenance from her husband Dipanjan Mukherjee, depicting herself a neglected wife of Dipanjan having no means to maintain herself. According to the petitioner, the marriage between the parties was solemnized in the month of February 2000 and it was registered on 15.3.2000. Thereafter she lived with her husband for a considerable period of time in Calcutta as well as in Bombay till her husband drove her out on or about March 2003. While adducing evidence as P.W.I the petitioner claimed to have in her possession the document indicating the registration of marriage between the parties which, however, was not filed. No witness other than petitioner herself adduced evidence to prove the relationship between the parties as husband and wife which opinion would have been relevant under Section 50 of the Evidence Act. Since Smt. Mukherjee had the obligation to prove

her case and which she has failed to discharge, I do not find any reason to interfere with the impugned order.

The revisional application is thus disposed of without any order as to costs.

The copy of the order and the lower court record be sent down to the learned Trial Court for information and necessary action.

The parties shall act the server copy 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 completion of requisite formalities.

(Siddhartha Roy Chowdhury, J.)