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IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION

C.R.R 5 of 2021

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

Ajay Sethia
Versus
Smt. Dimple Baid and another

Ms. Suman Sehanabis (Mandal)
...for the petitioner.

The present revisional application has been preferred against the judgment and order dated 16.01.2020 passed by the learned Additional Sessions Judge, Tufanganj, Cooch Behar in Criminal Revision No.04 of 2019.

The genesis of the case relates to order passed in Misc. Case No.62 of 2017 which is relating to interim maintenance. As such, the main proceeding under Section 125 of the Code of Criminal Procedure is still pending.

Learned advocate appearing for the petitioner submits that the petitioner was never the owner of petrol pump. He was simply a manager and subsequently he has lost his job.

The issue so raised is a question of fact and the trial court is yet to proceed with the evidence of the case.

Having regard to the same, I direct that the petitioner would be at liberty to adduce evidence in support of his contention at the appropriate stage of the trial. The order of interim maintenance granted by the learned Judicial Magistrate and the same being scrutinized by the learned Additional Sessions Judge also, do not call for interference at this stage. As directed above, the petitioner would be at liberty to take up his points at the appropriate stage of the trial.

With the aforesaid observations, CRR 5 of 2021 is disposed of.

Pending application, if any, is consequently disposed of.

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

(Tirthankar Ghosh, J.)

