

D/L35
12.07.2023
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C.R.R.682 of 2023

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

Susanta Sasmal
Versus
Anima Jana (Sasmal)

Mr. Dipanjan Dutt
Mr. Biswajit Konar
Mr. Arijit Mahinder.
...for the petitioner.

Petitioner preferred an application on 5th August, 2022 for setting aside of the ex parte order. The said application was dealt with by the learned Judicial Magistrate, 1st Court, Tamluk, Purba Midnapore and the learned court was of the opinion that the petitioner has not chosen the proper method while filing the vacating petition.

Petitioner, as such, is granted liberty to prefer an application under Section 126 of the Code of Criminal Procedure assigning the reasons.

Learned trial court will assess regarding the factum that the petitioner is at least granted some opportunity to rebut the prosecution case. The petitioner, in the meantime, would go on paying the amount which has been fixed by the learned trial court. However, the learned trial court after the decision of Section 126 of the Code of Criminal Procedure if it feels that an opportunity must be granted in cross-examination then in that case the learned trial court would be at liberty to arrive at a fresh conclusion regarding

the quantum of maintenance to be awarded.

With the aforesaid observations, CRR 682 of 2023 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.

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

(Tirthankar Ghosh, J.)