

**29.05.2023**

Sl. No.09.

AGM/NB

Ct.No.6.

**CRR 2006 of 2023**

Amit Kumar Singh

Vs.

Pushpa Singh & Anr.

Mr. Asis Bhattacharyya.

...for the petitioner.

The instant criminal revisional has been instituted against the order no. 09 dated 21.04.2023 passed by the learned Chief Judge, City Sessions Court, Calcutta in Criminal Appeal No.172 of 2022 without admitting the said criminal appeal on the ground of refusal of the appellant to receive the copy of the petition which was filed by the opposite party/respondent no.1 disregarding the direction of the Court to receive the copy of the same.

The learned advocate for the petitioner submits that the petitioner herein out of his simplicity and ignorance in absence of the advocate was confused and did not receive the copy in the open Court as directed by the Chief Judge, City Sessions Court.

From the impugned order, it appears that the petitioner herein was present before the Court of Chief Judge, City Sessions Court on 21.04.2023 and was not represented by his learned advocate. The criminal appeal should not have been disposed of to the detriment of the appellant to refuse to accept the copy of the petition in the open Court in absence of his advocate. The Order No.09 dated 21.04.2023 passed by the Chief Judge, City Sessions Court, Calcutta is set aside with a direction to rehear

the application filed by the petitioner herein in the capacity of appellant no.1/husband before the Court of Chief Judge, City Sessions Court on the point of admission.

The instant criminal revisional application is disposed of accordingly.

A copy of this order be sent to the learned Chief Judge, City Sessions Court, Calcutta.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

**(Ananya Bandyopadhyay, J.)**