

D/L103
05.09.2023
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C.R.R.2887 of 2022

In Re: An application under Section 401 read with Section 482 of the
Code of Criminal Procedure, 1973;

Arun Kumar Pati and another
Versus
Sumpa Pati

Ms. Minoti Gomes
Ms. Dona Sanyal.
...for the petitioners.

Mr. Sarbananda Sanyal.
...for the opposite party.

Petitioners submit that the wife who has instituted the present case under Section 125 of the Code of Criminal Procedure being Misc. Case No.M-75 is alleged to have fled away with somebody else as is allegedly complained in connection with Sonarpur Police Station Case No.411 of 2021 dated 31.05.2021.

Learned advocate for the petitioners submits that the said case was initiated by the mother of the lady being Manju Mukherjee. Learned advocate submits that the said FIR itself would reflect that the applicant before the learned trial court is not entitled to any maintenance.

Be that as it may, I direct the petitioners to appear before the learned Judicial Magistrate, Baruipur in connection with M-75 of 2022 and produce the said FIR and relevant documents to show that there is an issue relating to adultery which would disentitle the applicant to any maintenance or for the purposes of invoking the provisions of Section 125 of the Code of Criminal Procedure.

Learned trial court would at the inception conduct an enquiry to that effect regarding the genuinity of the allegations made in the FIR and thereafter proceed with the instant case particularly with regard to the prayer, if any advanced on behalf of the applicant.

With the aforesaid observations, CRR 2887 of 2022 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.)