

23.08.2023

Item No.53
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 3044 of 2023

In the matter of : **Sri Sanjit Bagchi** ... Petitioner.

Mr. Debasis Kar ... For the Petitioner.

The petitioner is aggrieved by the fact that an *ex parte* order of maintenance was passed by the learned Judicial Magistrate, 5th Court, Barrackpore in M. Case No. 851 of 2021 which was affirmed by the order dated 27.07.2023 by the learned Additional District and Sessions Judge, Fast Track, Court No.4, Barrackpore in Criminal Revision No. 239 of 2022.

Having regard to the nature of the proceedings, at this stage I do not think until and unless the petitioner exhausts the statutory provisions of law, it would be possible for this Court to interfere. Thus, the petitioner would be at liberty to take out an application under Section 126 of the Code of Criminal Procedure before the learned Judicial Magistrate, 5th Court, Barrackpore. The learned Judicial Magistrate, 5th Court, Barrackpore would consider the same in accordance with law and decide on the issues which the petitioner intends to canvass and felt prejudiced because of the *ex parte* order being passed.

With the aforesaid observations, the revisional application being CRR 3044 of 2023 is disposed of.

Pending connected application, if any, is consequently disposed of.

All concerned 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 with all requisite formalities.

(Tirthankar Ghosh, J.)