

22.06.2023
Item No.68
Ct.No.34
dc.

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

C.R.R. 4224 of 2022

In the matter of : **Kazi Nabi Nawaz** ... Petitioner.

Ms. Aiswarjya Gupta,
Ms. Priyanka Saha ... For the Petitioner.

Ms. Gupta, learned advocate appearing for the petitioner submits that there was deviation from the guidelines laid down by the Hon'ble Supreme Court in ***Rajnesh Vs. Neha & Another*** reported in (2021) 2 SCC 324 and the affidavit of assets was not considered by the learned court. According to the learned advocate, the same would be palpable in view of the difference of observation dealt with by the learned Magistrate and the learned revisional court.

The petitioner is granted liberty to prefer an application under Section 127 of the Code of Criminal Procedure by relying upon documentary evidence which were not admitted in evidence in course of the trial.

Learned Magistrate will consider the said documents in the background of the provisions relating to maintenance. Learned Magistrate would also consider the number of dependents of the present petitioner and thereafter, arrive at his findings in accordance with law.

With the aforesaid observations, the revisional application being CRR 4224 of 2022 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.)