

23.11.2023
item No.293
Rakib (PA)
ct. no. 34

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

CRR 4279 of 2023

**Jamal Shah
Vs.
Ambeha Bibi.**

In Re: An Application under Sections 397/401 read with Section 482 of the Code of Criminal Procedure, 1973;

Mr. Biswajit Manna.

.... For the Petitioner.

Petitioner is aggrieved by an ex parte order of maintenance passed awarding Rs.2,500/- per month to the wife and Rs.1,500/- to the son with effect from the date of filing of the application i.e. 17.07.2020 by the learned Judicial Magistrate, Dantan, Paschim Midnapore in connection with M.R. Case No. 28 of 2020.

Learned Advocate for the petitioner submits that the order so passed ex parte order was because of no fault on his part, as no notice was received by the petitioner.

Be that as it may the petitioner would be entitled to file an application under Section 126 of Cr.P.C. assigning the reasons for not being able to participate in the proceeding before the learned Judicial Magistrate. If such application is filed the learned Magistrate will consider to dispose of the same within three months from the date of filing of such application.

With the aforesaid observations CRR 4279 of 2023 is disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)