

D/L355
29.11.2023
Bpg.

C.R.R.4374 of 2023
With
CRAN 1 of 2023

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

Rajib Narayan Mukherjee
Versus
Subhoshree Mukherjee and another

Mr. Satarup Purakayastha.
...for the petitioner.

Mr. Pratik Bhattacharya.
...for the opposite party.

CRAN 1 of 2023.(Sec. 5 appln)

The reasons so assigned in the application under Section 5 of the Limitation Act are found to be just and sufficient. Accordingly, the delay of 45 days in preferring the revisional application is condoned. Thus, the application being CRAN 1 of 2023 is allowed.

CRR 4374 of 2023

The petitioner is aggrieved by the fact that the application under Section 25 of the PWDV Act was not considered by the learned Magistrate as well as the learned appellate court. The main thrust of contention of the petitioner is that at the relevant point of time he did not have the documents in his custody to show regarding the daughter being engaged in an employment. However,

presently he is in possession of such document and intends to prefer an application before the learned Judicial Magistrate, 4th Court, Katwa, Purba Bardhaman.

Mr. Pratik Bhattacharya, learned advocate appears for the private opposite parties and opposes such contention. According to the learned advocate there is every possibility of suppression of material facts before this Court. A copy of the revisional application may be served upon the private opposite parties.

This Court cannot ignore the factum of a change circumstance to be brought into notice before the original court in respect of proceedings wherein because of legislative compulsion either monetary relief or maintenance or other similar reliefs are extended. Without entering into any of the issues whether it be quantum of the maintenance or relating to maintainability of any application, I direct that in case the petitioner prefers an application with supporting documents praying for change of circumstances which may require the learned Magistrate to consider such application, the petitioner be granted an opportunity after serving notice upon the affected parties and the learned court would dispose of the same in accordance with law.

With the aforesaid observations, CRR 4374 of 2023 is disposed of.

Pending other connected applications, if any, are 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.)