

13.12.2023
item No.275
Rakib (PA)

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

CRR 4615 of 2023

**Sanjay Ballav
Vs
The State of West Bengal & Anr.**

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

Mr. Kamalesh Chandra Saha,
Ms. Payel Mitra.

.... For the Petitioner.

Petitioner is aggrieved by the order dated 01.08.2023 passed by the learned Judicial Magistrate, 2nd Additional Court, Basirhat in connection with M. Case no. 432 of 2020 which is a proceeding under Section 125 of the Code of Criminal Procedure.

The learned Magistrate according to the learned Advocate passed an ex parte order thereby awarding maintenance of Rs.4,000/- to two of the minor child.

The grievance of the petitioner is that the petitioner was never heard in course of the proceeding under Section 125 of Cr.P.C.

The statutory provisions under Section 126 of Cr.P.C. empowers the petitioner to invoke the jurisdiction of the same Court for setting aside an ex parte order. It has been submitted by the learned Advocate that till date such an application has not been preferred.

In case such an application under Section 126 of Cr.P.C. is filed before the learned Judicial Magistrate, 2nd Additional Court, Basirhat in connection with M. Case no. 432 of 2020 the learned Magistrate would consider the same in accordance with law and dispose of the same as expeditiously as possible.

With the aforesaid observations CRR 4615 of 2023 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.

(Tirthankar Ghosh, J.)