

29.01.2024.
Item no. 24
Ct.34
PG

C.R.R 78 of 2024

**Sri Subrata Mallick @ Subroto Mallick
Vs.
State of West Bengal & Anr.**

Mr. Indradeep Pal
Mr. Sougata Pal.....for the petitioner

Petitioner submits that in spite of summons being issued, the endorsement, which is returning according to the police report is that “door has been closed”.

The anxiety of the petitioner is that an application under section 127 of the Code of Criminal Procedure is not being heard and the opposite party no. 2 is not entitled to any maintenance.

Be that as it may, the learned Judicial Magistrate, 5th Court at Howrah is directed to call for a report from the Officer-in-Charge, Missing Persons Squad, CID, Bhabani Bhavan, West Bengal, regarding the whereabouts of the opposite party.

After consideration of the report, if the learned Magistrate is satisfied, the learned Magistrate would take into account whether the application under section 127 of the Code of Criminal Procedure can be heard out without the opposite party being present.

With the aforesaid observations, C.R.R. 78 of 2024 is disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon’ble Court.

(Tirthankar Ghosh, J.)