

22.02.2024
Serial no. 4
[G.S.D]

CRR 90 of 2024

In the matter of : Bidisha Paul @ Bidisha Paul Das
... .. Petitioner

Mr. Shibaji Kumar Das
Mr. Dibendu Sarkar ... for the petitioner

Mr. Tapash Mukhopadhyay
Mr. Sabir Ahmed
Mr. Shraman Sarkar
Mr. Tasnim Ahmed ... for the o.p.

The revisional application was preferred challenging the order dated 8th December, 2023 passed by the Id. Addl. Sessions Judge, Kalyani, Nadia in connection with Criminal Revisional No. 43 of 2022.

The grievance of the petitioner/wife is that the Id. Court remanded the whole of the proceedings for adducing evidence and, as such, reopened and rebutted the issue relating to adducing evidence.

Having considered the factum and the issues considered by the Id. Addl. Sessions Judge, Kalyani, Nadia, wherein the Id. Revisional Court was pleased to allow the applicant to the limited extent of adducing evidence in terms of section 125(4) of the cr.p.c., I am of the view that an opportunity must be given to the husband to adduce such evidence, if the same was not properly admitted or, additional evidence was required to be adduced in support of such issue.

The Id. Magistrate in its Judgment and Order dated 28.9.2022 was pleased to award maintenance of Rs.25,000/- per month on and from the month of February, 2024. The petitioner would go on paying the sum of Rs.25,000/- per month on and from February, 2024 till the issue is decided by the Id. Magistrate in respect of the order dated 8.12.2023 passed in Criminal Revisional No. 43 of 2022 by the Id. Additional Sessions Judge, Kalyani Nadia.

Parties are directed to appear before the Id. ACJM, 2nd Court, Kalyani, Nadia on 5th March, 2024. The Id. Magistrate within a period of sixty days (preferably by 7th of May, 2024) would comply with the directions and complete the hearing. If required, Judgment be delivered afresh by 20th of May, 2024.

With the aforesaid observations, CRR 90 of 2024 is disposed of.

Pending application, if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)