

13.02.2024

Item No.84
Ct.No.34
dc.

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

C.R.R. 539 of 2024

In the matter of : **Golam Rasul Gazi** ... Petitioner.

Mr. Raja Biswas,
Mr. Abhijit Sarkar ... For the Petitioner.

Learned advocate appearing for the petitioner submits that the final order in C. Case No. 308 of 2015 was passed ex parte by learned Judicial Magistrate, 2nd Court, Barasat.

Learned advocate for the petitioner is unable to produce the said ex parte order before this Court. In case the learned Judicial Magistrate, 2nd Court, Barasat finds that in C. Case No. 308 of 2015, the order relating to the reliefs under the provisions of the Protection of Women from Domestic Violence Act was passed ex parte and till date the petitioner has cleared all the dues, in that case, if an application under Section 25(2) of the Protection of Women from Domestic Violence Act is filed before the said court and the court finds that there were reasons or in spite of due diligence, the petitioner was unable to attend the court, under such circumstances, the learned Judicial Magistrate, 2nd Court, Barasat will pass appropriate orders in the said application under Section 25(2) of the Protection of Women from Domestic Violence Act, if filed within a period of sixty days from date. Thereafter, if the court so thinks fit and proper will allow the petitioner, if required, to adduce evidence in accordance with law.

So far as the execution case is concerned, if the petitioner appears and clears the dues within a period of 45 days from date by way of 2/3 instalments, the petitioner's prayer in respect of Section 25(2) of the Protection of Women from Domestic Violence Act would be considered in accordance with law by adhering to the directions passed above.

With the aforesaid observations, the revisional application being CRR 539 of 2024 is disposed of.

Pending connected application, if any, is consequently disposed of.

All concerned 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 with all requisite formalities.

(Tirthankar Ghosh, J.)