

CRR No. 613 of 2024

In the matter of : Koushik Pandey petitioner.

Ms. Swapna Roy ...for the petitioner.

Mr. Dhananjay Banerjee
Mr. Himangshu Ghosh
Ms. Oindrila Ghosh ...for the opposite parties.

Affidavit of service filed by the petitioner is taken on record.

Heard learned counsels for the parties.

The petitioner has assailed the order passed by the learned Judicial Magistrate, 5th Court, Krishnagar, Nadia in Misc. Crl. Case No.157 of 2023 directing the petitioner to pay Rs.6,000/- per month as rent to his wife/1st opposite party herein for her alternative accommodation, on the ground that the said order was passed without granting an opportunity of hearing to the petitioner.

It appears from the order impugned that the record was put up before the learned Magistrate by an application and the learned Magistrate, by the order impugned, directed the petitioner to pay Rs.6,000/- per month as rent to the 1st opposite party upon hearing the 1st opposite party.

No notice was served upon the petitioner prior to the said hearing and the petitioner was deprived of an opportunity of hearing before the learned Magistrate.

In view of the above, this Court is inclined to hold that the learned Magistrate be directed to revisit the issue upon grant of reasonable opportunity of hearing to the petitioner.

The revisional application being CRR 613 of 2024 is allowed.

The order passed by the learned Judicial Magistrate, 5th Court, Krishnagar, Nadia on 1st November, 2023 in Misc. Crl. Case No.157 of 2023 is set aside. The learned Magistrate is directed to reconsider the issue upon granting reasonable opportunity of hearing to the petitioner and the opposite parties and pass a reasoned order as expeditiously as possible, in accordance with law.

It is made clear that this Court has not gone into the merits of the case and the learned Magistrate shall be at liberty to deal with the matter independently in accordance with law.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)