

12-03-2024
Subha
Item no. 90
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 1025 of 2024

Dilip Kumar Biswas
-versus-
Nirupama Biswas

Mr. Kushal Kumar Mukherjee
Ms. Ashru Kona Maji
.....for the petitioner.

Petitioner is aggrieved by the ex parte order passed in a proceeding by the learned Judicial Magistrate, 2nd court, Barasat, North 24 Parganas in complaint case no. 1144 of 2016.

Petitioner is aggrieved basically by the ex parte order being passed. Petitioner preferred an appeal almost after five years being Criminal Appeal No. 16 of 2018 and again preferred an appeal being Criminal Appeal No. 70 of 2022. Both the appeals were dismissed by the learned appellate court and the petitioner presently is aggrieved by the order dated 21st December, 2023 passed by the learned Additional District and Sessions Judge, Fast Track, 4th court, Barasat, North 24 Parganas in connection with Criminal Appeal No. 70 of 2022.

Having regard to the circumstances faced by the petitioner, I am of the view that the petitioner would first be prudent to approach the learned Judicial Magistrate, 2nd court, Barasat for setting aside such ex parte order. To that effect if an application

under Section 25 Cr.PC is preferred, learned Magistrate would record the changed circumstances and provide an opportunity if it permits on the materials available to allow the present petitioner/husband to address his grievance and cross-examine the witnesses concerned and adduce his evidence.

With the above observations, the present revisional application being CRR 1025 of 2024 is disposed of.

Pending applications, if any, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]