

05.11.2024
Court No.34
Item No.13
AP

CRR 1321 of 2024

In the matter of : **Rafikul Sk @ Rafiqul Sk**

.... Petitioner.

Mr. Ali Ahsan Alamgir
Ms. Soma Mal
Ms. Rabia Khatoon
Ms. Soma Modak

... For the Petitioner.

Ms. Sananda Bhattacharyya

... For the Opposite Party No.2.

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

The petitioner who is the husband of the private opposite party has assailed the judgment delivered by the learned Additional Sessions Judge, 1st Fast Track Court, Lalbagh, Murshidabad on 25th July, 2023 primarily on the ground that no opportunity of hearing was granted to the petitioner before the matter was dealt with by the learned revisional Court.

Learned counsel for the petitioner submits that an application under Section 125 of the Code of Criminal Procedure was filed by the private opposite party and by a judgment delivered on 8th October, 2020, the learned Additional Chief Judicial Magistrate, Lalbagh, Murshidabad allowed the prayer of the private opposite party and directed this petitioner to pay Rs.1,000/- per month for the private opposite party and Rs.800/- per month for her child, total amount being Rs.1,800/- per month with effect from the date of order.

The said order was assailed by the private opposite party before the revisional forum and by the judgment impugned, the revisional Court modified the earlier order and directed this petitioner to pay Rs.4,000/- per month to the private opposite party with effect from the date of the application.

The petitioner seeks to contest the revisional application filed by the opposite party before the learned Additional Sessions Judge.

Learned counsel for the private opposite party takes this Court to several orders passed by the learned Additional Sessions Judge. The orders reflect that notice was served upon the State, which was represented. Though there was a direction for filing of requisites for service of notice upon this petitioner (the opposite party before the revisional Court), there is no endorsement to suggest that such notice was served upon this petitioner or that this petitioner was granted an opportunity of hearing by the learned revisional Court before the judgment impugned was delivered.

In view of the above, this Court is inclined to hold that the petitioner be granted an opportunity of hearing before the learned revisional Court in the interest of justice.

Accordingly, the judgment impugned dated 25th July, 2023 passed by the learned Additional Sessions Judge, 1st Fast Track Court, Lalbagh, Murshidabad in Criminal Revision Case No.29 of 2022 be set aside.

The learned revisional Court is directed to reconsider the matter upon giving reasonable opportunity of hearing to the parties and deliver a reasoned judgment, in accordance with law.

The revisional application being CRR 1321 of 2024 is disposed of accordingly.

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

(Suvra Ghosh, J.)