

17.05.2024
Serial no. 68
[G.S.D]

CRR 2047 of 2024

In the matter of : Biswanath Murmu

... .. Petitioner

Mr. Niladri Sekhar Ghosh
Mr. Sourav Mondal

... for the petitioner

The petitioner has challenged the order dt. 22.3.24 passed by the Id. JM (1st Class), Khatra in Misc. Case No. 54 of 2023, which is a proceeding under section 125 of the cr.p.c.

Ld. Magistrate have been following the order of this court passed in CRR 552 of 2024.

The petitioner has prayed for modification of the earlier direction(s) passed by this court in CRR 552 of 2024.

Having regard to the fact that the petitioner has accepted a part of the order relating to adducing evidence, the second part of the order relating to maintenance which was passed in the same order cannot be modified. The observations of the Id. Magistrate is justified and correct.

The only option which can be exercised at this stage is that if the o.p./wife is not appearing on the date so fixed for evidence, the Id. trial court would fix one date in a

fortnight for the purposes of the case to conclude the evidence of the o.p./wife and the rest of the witnesses to be tendered by the prosecution. Thereafter, the OPW would adduce their evidence and all efforts be taken, if there are no extra witness, to conclude the whole of the process by 30th of September, 2024 and decide the quantum as directed in the earlier order dated 13th February, 2024 in CRR 552 of 2024.

With the aforesaid observations, CRR 2047 of 2024 is disposed of.

Pending application, if any, is also disposed of.

Petitioner is granted liberty to communicate gist of this order to the opposite parties.

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.)