

CRR 1384 of 2025

In the matter of : Soumitra Das ... petitioner

Mr. Asis Bhattacharyya
...for the petitioner.

On 04.07.2025 a submission was advanced on behalf petitioner by Mr. Asis Bhattacharyya, learned counsel. He submitted specifically that a warrant of arrest had been issued against the petitioner in respect of an execution case for execution of arrears of maintenance granted in favour of the wife of the petitioner. However, the wife passed away on 14.05.2021. Yet, the warrant of arrest was being reissued upon the sister in law representing the claimant. This was direct contradiction with the actual facts.

By an order dated 17.09.2022, the learned Judicial Magistrate, 6th Court, Krishnagar, Nadia appointed Rinku Saha, the elder sister of deceased wife ad litem in Misc. Execution 1(IV)/ 2017 of Baby 'Sara' keeping in mind to the interest of a child. It is quite obvious that a child was there who was to get the benefit of such maintenance allowance. This fact was totally suppressed by the learned counsel while advancing his submissions.

Before signing the order when the matter came to the notice of this Court, the Court decided to place this matter under the heading 'To Be Mentioned'. Accordingly, the matter is taken up today under the same heading.

In view of the material suppression of facts and act of misleading this Court by the learned counsel of the

petitioner, the order verbally dictated on 04.07.2025 is recalled.

On merits, I find no illegality in the impugned proceeding as the child of the couple is a beneficiary.

More importantly, the order dated 17.09.2022, passed by the learned Magistrate appointing a guardian has not been challenged before this Court.

Accordingly, the revisional application is liable to be dismissed.

In disposing of huge backlog of cases, Courts have to rely on submissions advanced by learned advocates and often every page of a petition cannot be gone into. Therefore, it is expected that a learned counsel would place before this Court the material facts and would not argue something which is directly contrary to a fact, which has not been disclosed.

In this case, Mr. Asis Bhattacharya, learned advocate on record and learned counsel for the petitioner has breached this trust.

At this stage, Mr. Asis Bhattacharya, learned counsel for the petitioner, expresses his unqualified apology for his actions and submits that he would be very careful henceforth so that such an incident does not recur.

On such submissions made on behalf of the learned counsel for the petitioner, Mr. Asis Bhattacharya, I do not wish to refer the matter to the Bar Council. However, this Court expects that such act would not be repeated by the learned counsel in future.

In view of the earlier discussions on merits as made hereinabove, the revisional application is dismissed.

There shall be, however, no order as to costs.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)