

IN THE COURT OF SESSIONS JUDGE, GOALPARA

Criminal Revision No. 60/2018

Present: **Sri T.K.Bhattacharjee, A.J.S**

Sessions Judge,

Goalpara.

NekibuzzamanAhmed Revisionist.

-Versus

Nur Aklima Khatun Opposite Party/1st Party.

Appearance:-

For the revisionist: Mr. A. Hussain, Ld. Advocate.

For the O.P.: Mr. S. Ali, Ld. Advocate.

Date of hearing: 15-06-2019.

Date of Judgment: 24-06-2019.

J U D G M E N T

1. The instant revision petition has been filed by the petitioner on the grounds set forth in the revision petition on being highly aggrieved by and dissatisfied with the order dated 27-08-2018 passed by Ld. CJM, Goalpara in connection with M.C.R. Case No. 339/15 u/s 125 of the Cr.P.C. vide which the prayer for adjournment and a prayer for giving the petitioner a chance to adduce evidence was rejected by the Ld. Court below.

2. The brief facts of the case is that Nur Aklima Khatun, the O.P. of this case as the 1st party lodged a case against the revisionist vide M.C.R. Case No. 339/15 which proceeded in the Ld. Court below and after the evidence of the 1st party was recorded the case was fixed for evidence of the revisionist side but thereafter, the petition of the revisionist side with prayer for another date for evidence was rejected and the case was fixed for argument and hence the revisionist approached this court for appropriate remedy.

3. After the revision petition was admitted in this Court, notices were issued upon the O.P. Nur Aklima Khatun and the connected record of MCR Case No. 339/15 was called for and it was duly perused on being received from the Ld. Lower court and the arguments of the Ld. Counsel for the revisionist and the Ld. Counsel for the O.P. were heard in order to determine the matter in hand.

4. I have carefully gone through the LCR as well as the impugned order and it is found that the first date for evidence of the revisionist side was fixed on 04-07-2018 and on this date the revisionist side was absent with steps and again on 09-08-19 the revisionist side was absent with steps and thereafter, on 27-08-18 the revisionist side again filed a petition for adjournment which was rejected by the Ld. Court below and considering all the facts and circumstances of this case, I am of the opinion that though opportunities were given to the revisionist side to adduce evidence and the revisionist side failed to avail the said opportunity due to certain reasons that may have been bona-fide or mala-fide but nevertheless, it must be kept in mind that the principles of natural justice demand that a decision should not ordinarily be reached behind the back of a party as far as practicable and therefore, the impugned order dated 27-08-18 is hereby set aside with direction to the Ld. Lower court to allow a single opportunity to the revisionist side to adduce their evidence subject to payment of cost of Rs. 500/- which shall be deposited to the cost fund of DLSA, Goalpara by the Ld. Court below on payment.

5. In the result, the revision stands allowed and disposed of with costs as indicated above.

6. Send back the LCR along with a copy of this judgment.

Given under my hand and the seal of this court on this the 24th day of June/2019.

(T.K.Bhattacharjee)
Sessions Judge,
Goalpara.

Dictated & corrected by me

Sessions Judge,
Goalpara.