

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

Before:

THE HON'BLE MR. JUSTICE JAY SENGUPTA

CRR 563 of 2020
CRAN 1 of 2020
(Old CRAN No. 3249 of 2020)
CRAN 2 of 2020
(Old CRAN No. 3250 of 2020)
(Via Video Conference)

Smt. Moumita Chakraborty
VS.
THE STATE OF WEST BENGAL & ANOTHER

For the Petitioner:	Mr. Ajay Debnath Mr. Sujit Saha Mr. Devranjan Das
For the State :	Mr. Swapan Banerjee Ms. Purnima Ghosh
For the OP No. 2 :	Mr. Ayan Bhattacharyya Mr. Zohaib Rauf Mr. Aditya Ratan Tiwary
Heard on:	13.10.2020
Judgment on:	13.10.2020

JAY SENGUPTA, J:

This is an application challenging an order dated 20.01.2020 passed by the learned Judicial Magistrate, 5th Court, Barrackpore, North 24 Parganas in M-184/2019 under section 125 of the Code.

Although as per the direction passed by this Court on 28.08.2020, the husband / opposite party no. 2 was directed to file affidavits containing the description of the grocery items that the husband claimed to have been sent to the wife, the same could not be filed because of serious illness of the learned advocate-on-record. Filing of such affidavit is dispensed with and the matter is taken up for hearing on merits.

Learned counsel appearing on behalf of the petitioner / wife submits as follows. The petitioner's prime grievance is that her application for interim maintenance filed in 2019 has not been disposed of. Instead of first deciding such application, the learned trial court is waiting for the proceeding under section 340 of the Code filed by the husband / opposite party to conclude. The opposite party is not paying any sum to the wife as maintenance allowance.

Learned counsel appearing on behalf of the husband / opposite party submits as follows. The husband has good ground in his application under section 340 of the Code. However, in the interest of the justice, both the applications are required to be disposed of at the earliest.

I have heard the submissions of the learned counsels appearing on behalf of the petitioner, opposite party and State and have perused the revision petition.

Even if, for the arguments sake, there is a good ground in the husband's application under section 340 of the Code that is hardly a reason to deprive of a women of her right to get maintenance allowance, albeit at the interim stage.

In view of the facts and circumstances of the case and in the interest of justice, I direct that both the proceedings, the one pertaining to the application for the interim maintenance under section 125 of the Code and the one under section 340 of the Code shall be concluded expeditiously and independently of each other.

It goes without saying that this Court is not making any observation on the merits of the main case and / or on the possible effect of outcome in one proceeding on the other.

With the above observations, the revisional application is disposed of.

Urgent photostat certified copy of this judgment be given to the parties on usual undertakings, if applied for.

(Jay Sengupta, J.)