

08.11.2021

Sl. No. 14

Srimanta

Ct. No. – 25

D/L

**IA No.:CRAN/1/2010 (Old No.:CRAN/2973/2010),
CRAN/2/2011 (Old No.:CRAN/530/2011)**

in

CRR/5/2010

(Via Video Conference)

**In Re : An application under Section 401 read with
Section 482 of the Code of Criminal Procedure, 1973.**

And

In the matter of : Niloy Banerjee @ Nilay Banerjee.

... petitioner.

None appears on behalf of the parties. The instant criminal revision is pending since 2010.

It appears on perusal of the record that the husband/petitioner has filed the instant criminal revision against his wife/opposite party challenging the legality, validity and propriety of the order dated 7th November, 2009 passed by the learned Chief Judicial Magistrate, Murshidabad in connection with M. R. Case No. 513 of 2008 under Section 125 of the Code of Criminal Procedure directing the petitioner to pay a sum of Rs.9,000/- per month towards maintenance of the opposite party and her child.

Marriage between the parties is not disputed. So is not disputed the birth of a female child in the said wedlock. The opposite party/wife has been residing separately with her minor daughter at her paternal home. At the time of admission of the instant revision on 9th February, 2020 a Coordinate Bench of this Court directed the petitioner to go on paying a sum of Rs.7,000/- towards maintenance of the wife/opposite party and her minor child. It appears from the

subsequent order dated 17th March, 2011 that the petitioner has been going on paying the said amount of Rs.7,000/- per month to the opposite party.

During trial the wife/opposite party gave her evidence as P.W. 1. P. W. 2 was the father of the opposite party. The present petitioner deposed before the Trial Court as O.P.W. 1.

On careful perusal of the evidence on record it appears that due to matrimonial discord the parties are living separately. In her evidence, the wife/opposite party stated that monthly income of the opposite party is approximately Rs.70,000/- from his business. On the other hand, the opposite party/husband claimed that he used to earn Rs.5,000/- per month from his salary. The learned Chief Judicial Magistrate, Murshidabad by passing the impugned order granted maintenance allowance at the rate of Rs.9,000/- per month for the petitioner and her daughter. The said order is under challenge in the instant criminal revision.

I have already recorded that the petitioner herein has been complying with the order passed by this Court on 5th February, 2020 paying maintenance allowance at the rate of Rs.7,000/- per month.

The petitioner remains absent when the matter is taken up for hearing. It goes to suggest that the petitioner has no grievance in paying maintenance allowance at the rate of Rs.7,000/- per month in favour of the opposite party.

In view of such circumstances, the instant revision is disposed of on merit directing the petitioner to go on paying maintenance allowance at the rate of Rs.7,000/- per month for the opposite party and her child. The order passed by the learned Chief Judicial Magistrate, Murshidabad on 7th November, 2009 in M. R. Case No. 513 of 2008 is modified accordingly.

Let a copy of this order be sent to the learned Court below for information.

(Bibek Chaudhuri, J.)