

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Jay Sengupta

CRR 149 of 2020

DEBJYOTI CHATTERJEE
Vs.
SMT. BARNALI CHATTERJEE

For the Petitioner : Mr. Dipanjan Dutt
Mr. Debayan Ray

Heard on: : 23rd MARCH 2021

Judgment on : : 23rd MARCH 2021

The Court:

This is an application challenging an order dated 21.11.2019 passed by the learned Chief Judicial Magistrate, Paschim Bardhaman in Misc. Case No. 646 of 2018 under Section 125 of the Code.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is a BPL card holder. Initially, a date for hearing under Section 125 of the Code was fixed for *ex parte* hearing. The present petitioner appeared before the learned Trial Court, filed a show-cause and prayed for a day to be fixed for hearing. He could not attend the hearing on two occasions. Accordingly, an *ex parte* order was passed directing payment of interim maintenance of Rs. 3000/- to

the wife and Rs.2000/- for the child. Such sums are beyond the capacity of the petitioner to pay.

I have heard the submissions of the learned counsel for the petitioner and have perused the revision petition.

It appears that the opposite / wife had claimed in an application under Section 125 of the Code that some dowry was given during marriage between the petitioner and the opposite party. Soon thereafter, the petitioner / husband and the other in-laws inflicted mental and physical torture upon her. According to the wife, the present petitioner is running two coaching centres and earns about Rs.50,000/- per month.

It appears that the petitioner is an able-bodied man is liable to properly maintain his wife and minor child.

A sum of Rs.3000/- per month would come to about Rs.100 per day for the wife and even a lesser sum per month for the minor child. These cannot be termed as high sums in view of the rising price indices.

Therefore, I do not find any justification in interfering with the order of interim maintenance passed by the learned Trial Court. However, in the interest of justice, I request the learned Trial Court to conclude the main proceeding under Section 125 of the Code as expeditiously as possible without granting any unnecessary adjournment to any of the parties, preferably within six months from the next date of hearing.

The learned Trial Court shall not be swayed any observation made by this Court, which was for only the purpose of deciding the present revisional application.

With these observations, the revisional application is disposed of.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties upon usual undertakings.

(Jay Sengupta, J.)

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