

23.07.2021
AJ, Ct.34
Sl No. 09.

C.R.R. 98 of 2013

(Via Video Conference)

Re: An application under Sections 482 of
the Code of Criminal Procedure, 1973.

And

In Re : **Sri Mrityunjoy Halder.** petitioner.

Mr. Prabir Mitra,
Ms. Amita Gaur,
Mr. A.K. Datta.
.....for the petitioner.

The petitioner/husband being aggrieved by the order dated 12th September, 2012 passed by the learned Judicial Magistrate, 2nd Court, Siliguri in M.R. Case No. 26 of 2012, wherein Rs.10,000/- (Rs.5,000/- to the wife and Rs.5,000/- to the minor daughter) was awarded by way of interim maintenance, approached this Court.

At the time of admission of the revisional application on 15th January, 2013, a co-ordinate Bench of this Court was pleased to modify award/quantum of interim maintenance to the extent that the husband/petitioner would pay Rs.3,500/- to the wife and Rs.3,500/- to the minor daughter aggregating a sum of Rs.7,000/- per month.

Having regard to the fact that the learned Magistrate by way of an interim measure awarded maintenance and the quantum has been modified to an amount of Rs.7,000/- per month by a co-ordinate Bench of this Court, I am of the view that the amount of Rs.3,500/- per month so directed to be paid to the wife and Rs.3,500/- per month so directed to be paid to the minor daughter be made absolute.

This order will not have any effect in case the learned Magistrate has decided the main application under Section 125 of the Code of Criminal Procedure thereby arriving at a finding of a fresh quantum as final award towards maintenance to be awarded to the wife and the minor daughter.

With the aforesaid observation, C.R.R. 98 of 2013 is partly allowed.

Pending applications, if any, are disposed of.

The wife/opposite party will be at liberty to take out an appropriate application for recovery of arrears before the learned Judicial Magistrate.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)