

D/L.35
July 12,
2021

C.R.R. No.273 of 2012

Bpg.

In Re : An application under Section 482 of the Code of Criminal Procedure, 1973;

In the matter of : Smt. Baisakhi Das nee Sinha.

... petitioner.

The subject-matter of revisional application relates to the modification made by the learned Additional Sessions Judge, while exercising its revisional jurisdiction in Criminal Revision No.37 of 2011.

Records reflect that by an order dated November 18, 2010 learned Judicial Magistrate, Third Court, Barrackpore was pleased to award interim maintenance of Rs.2,000/- per month to the wife and Rs.1,000/- per month for the minor son from the date of the application, i.e., May 3, 2008. By the same order, learned Magistrate was pleased to give directions regarding the mode and manner in which the arrears are to be paid. The husband/opposite party challenged the said order before the learned Additional Sessions Judge and the learned Additional Sessions Judge, Fast Track Court No.1, Barrackpore was pleased to modify the order to the extent that the award for interim maintenance shall be payable from the date of the impugned order and not from the date of the application.

Having regard to the provisions of law, I do not find that

the learned Additional Sessions Judge has assigned in its order any special reason for not directing the husband to pay from the date of the application. That being the case, I am of the view that the order passed by the learned Magistrate is in consonance with the law and, as such, the order so passed by the learned Additional Sessions Judge is required to be set aside.

Accordingly, the judgment and order dated September 21, 2011 passed by the learned Additional Sessions Judge, Fast Track Court No.1, Barrackpore, North 24 Parganas in Criminal Revision No.37 of 2011 is set aside.

Hence, CRR 273 of 2012 is allowed.

Pending applications, if any, are hereby disposed of.

Interim order, if any, is hereby vacated.

The petitioner will be at liberty to recover the arrears by taking out appropriate application before the learned Magistrate.

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

(Tirthankar Ghosh, J.)