

27.09.2021
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sl no. 4

**C.R.R. No. 236 of 2010
(Via video conference)**

In Re : Md. Ganiul Islam Khan

.....petitioner

The criminal revision under sections 397/401/482 Cr.P.C is listed today for hearing as well as compliance of the earlier order.

On call, none appears for the petitioner and OP no.1 and 2.

The revisional application has been directed against the judgment and order dated 31.8.2009 passed by the learned District and Sessions Judge, FTC, 6th Court, Malda in criminal revision no. 22 of 2009 dismissing the revisional application filed by the petitioner against the judgment and order dated 20.3.2009 passed by the Judicial Magistrate 2nd Court, Malda in Case no. 259 of 2005.

As it appears from the impugned judgment and order as well as the application for revision, admittedly, OP no. 1 is the married wife of the petitioner who lives separately from her husband and maintains her minor son all by herself. A civil suit filed by the petitioner for restitution of conjugal rights was dismissed. The wife thereafter prayed for maintenance against the present petitioner and the learned Judicial Magistrate 2nd Court Malda directed the husband to pay a maintenance of Rs. 700/- per month to his wife and Rs. 600/- per month to the minor son from the date of passing of the order.

This order was challenged in the revision before the court of Additional District and Sessions Judge, FTC 6th Court, Malda. After considering the materials, the impugned order was passed by the Additional Sessions Judge affirming the order of the magistrate.

I have considered the materials on record and the impugned judgment against which this revision has been filed. It is the duty of the husband to maintain his wife and minor child who are unable to maintain themselves. The amount of maintenance to be paid to the OP/wife does not appear to be excessive.

Under such circumstances, I find no illegality or impropriety in the impugned order.

The Criminal revision is, therefore, dismissed on merit.

Let copy of this order be sent to the learned Additional District & Sessions Judge, Fast Track 6th Court, Malda for information.

Urgent photostat certified copy of this order be given to the parties upon compliance of requisite formalities.

(Ananda Kumar Mukherjee, J.)