

CRR 345 of 2021

In re : An application under Sections 397, 401 read with Section 482 of the Code of Criminal Procedure, 1973.

In the matter of : **Partha Protim Barman**

..... petitioner

**Mr. Dipankar Pal
Ms. Kakali Naskar**

....For the petitioner

Ms. Manisha Sharma

...For the State

**Mr. Prasun Kumar Dutta
Mr. Jayanta Narayan Chattopadhyay
Mr. Nazir Ahmed
Ms. Jayashree Patra**

..For the opposite party no. 2

An application under Section 12 of the Protection of Women from Domestic Violence Act, 2005, was filed by the opposite party no. 2 before the Court of learned Additional Chief Judicial Magistrate, Alipore, 24-Parganas (South).

On the very first day, by an *ex parte* order, the learned Magistrate directed the petitioner to pay Rs. 75,000/- per month as monetary relief to the opposite party no. 2. It appears from the said order that the learned Magistrate granted the said monetary relief on the basis of the statements made in the petition filed by the opposite party no. 2, but there was no independent *prima facie* finding of the learned Magistrate as to the income of the petitioner.

The petitioner challenged the said *ex parte* order before the learned Sessions Judge, 24-Parganas (South), by filing an appeal being Criminal Appeal No. 51 of 2020.

Learned Sessions Judge, after hearing the petitioner, by an *ex parte* order dated December 10, 2020, stayed the order of monitory relief passed by the learned Magistrate and directed the petitioner to pay Rs. 50,000/- per month to the opposite party no. 2 during the pendency of the appeal.

The petitioner again challenged the said interim order dated December 10, 2020, before this Court by filing this present revisional application.

On March 15, 2021, an order passed by this Court directed the petitioner to pay Rs. 15,000/- per month to the opposite party no. 2 till disposal of the revisional application.

It appears that the order of the learned Magistrate as well as the learned Sessions Judge in the Court below was passed *ex parte*. The order is ad-interim nature, and I am not inclined to decide the said appeal on merit in this revisional application.

This revisional application is disposed of with a direction upon the learned Sessions Judge to dispose of the Criminal Appeal No. 51 of 2020, within a period of six weeks from date after hearing the petitioner as well as the opposite parties.

In the meantime, the petitioner shall go on paying Rs. 15,000/- per month as directed in the interim order dated March 15, 2021, passed in this revisional application. The learned Judge in the Court below shall decide the appeal without being influenced by any observations made in this application.

It has been submitted by Mr. Jayanta Narayan Chattopadhyay, learned advocate led by Mr. Prasun Kumar Dutta, learned advocate that the petitioner defaulted in making payment in terms of the said order dated March 15, 2021. Learned Sessions Judge in the Court below will take into consideration the said submission, and if there is any unpaid amount, the learned Sessions Judge will ensure that the same is paid by the petitioner to the opposite party no. 2.

The revisional application being **CRR 345 of 2021** is disposed of.

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

(Kausik Chanda, J.)