

(Through Video Conference)

03 10.09.2021

Dd

CRR 367 of 2010

In the matter of : **Sri Debasish Ghosh**
Vs.
Smt. Bhakti Ghosh (Dey)

The matter is listed for hearing as contested application. Instant criminal revision under Sections 482 and 401 of the Criminal Procedure Code, 1973 has been directed against Order No. 5 dated 1.12.2009 passed by learned ACJM, Durgapur in Misc. Case No. 117 of 2009 under Section 125 of Cr.P.C.

On repeated call, none appears for the petitioner nor for the opposite party. Perused the impugned order whereby the present petitioner-husband at the relevant time was directed to pay an interim maintenance of Rs.3000/- per month to the present opposite party-wife from the time of filing of the case, i.e. 3.7.2009 and to continue to pay monthly interim maintenance by the 10th day of each succeeding month. After filing of this criminal revision, the impugned order of interim maintenance to the extent of Rs.3,000/- was stayed for a period of sixteen weeks on condition that in the meantime petitioner shall go on paying a sum of Rs.2500/- per month to the opposite party-wife as her interim maintenance. There was a direction to liquidate the arrear maintenance in five equal monthly instalments.

I have perused the application for revision, the impugned order passed by learned Magistrate and the facts and circumstances of the case emerging of the same. The petitioner is not represented before this Court to show whether the interim order is being complied or not. So far as the impugned order passed by Magistrate, I do not find any illegality in the same

whereby the earning husband has been directed to pay a monthly maintenance to his wife.

Accordingly, I hold that the criminal revision is liable to be dismissed.

Hence,

ORDERED

That the Criminal Revision under Sections 482 and 401 of the Criminal Procedure Code is dismissed on its merit. Stay order passed in this case on 10.2.2010 is hereby vacated.

Let a copy of this order be transmitted to the Court of learned ACJM, Durgapur, District Paschim Burdwan for necessary information.

(Ananda Kumar Mukherjee, J)