

Sr.24
29-07-2021
Subha.
Court no. 34

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE
(Via Video Conference)**

CRR 574 of 2012

In Re : **Debasish Mukherjee**

.....Petitioners.

.

In the matter of : An application under Section 401 read with Section 482 of the Code of Criminal Procedure.

The present criminal revisional application has been preferred against an ex parte order dated 04-05-2011 passed by the learned Judicial Magistrate, 1st Court, Barasat, North 24 Parganas in connection with Case No. M 573 of 2009 wherein the learned court was pleased to award maintenance of Rs.4000/- per month to be paid to the wife by way of maintenance.

Being aggrieved by this order, the husband approached this court and by an order dated 12th March, 2012, a co-ordinate Bench of this Court was pleased to direct the husband/petitioner to continue payment of Rs.2000/- to the wife. The main contention of the husband is that the order was passed ex parte. The provisions of Chapter IX Cr.P.C contains relevant provisions for setting aside of the ex parte order passed in a maintenance proceeding. As specific

provisions are available in the statute it would not be fit and proper for the High Court to exercise its revisional jurisdiction until and unless the said provisions have been exhausted by the petitioner/husband.

The revisional application as such do not call for any interference. Accordingly, the present revisional application being CRR 574 of 2012 is dismissed.

All pending applications, if any, are consequently disposed of.

Interim order, if any, is hereby vacated.

The opposite party/wife will be at liberty to recover the arrears by taking out an appropriate application before the learned Magistrate.

All parties are to act on the server copy of this order duly downloaded from the official website of this court.

(Tirthankar Ghosh, J.)