

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Jay Sengupta

CRR 647 of 2021
with
CRAN 1 of 2021

AZIZUL GAZI
Vs.
CHHAYAMA GAZI & ANR.

For the Petitioner : Mr. Satyajit Mandal
Mr. Suranjan Mondal
Mr. Ratul Ghosh

Heard on: : 8th MARCH 2021

Judgment on : : 8th MARCH 2021

The Court:

This is an application challenging an order dated 17.12.2019 passed by the learned Judicial Magistrate, Kakdwip, South 24 Parganas in M.M. Case No. 33 of 2019, thereby granting interim maintenance allowance at the rate of Rs.1500/- per month for the wife and the minor daughter each. This application is accompanied with an application under Section 5 of the Limitation Act seeking condonation of delay of 350 days in preferring this revision.

Considering the explanation provided by the petitioner in the application for condonation of delay, I am satisfied with the same. Accordingly, I condone the delay in 350 days in preferring this revision.

CRAN 1 of 2021 is disposed of.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is a day labourer and is not in a position to pay such high amounts as an interim maintenance like Rs.1500/- per month for the daughter and the child each.

I have heard the submissions of the learned counsel appearing on behalf of the petitioner and have perused the revision petition.

It appears from the order impugned that the case of the opposite party / wife was that after marriage, she was tortured mentally and physically by the present petitioner for a demand of Rs.30,000/-. She was assaulted with fists and blows causing injury on her. The incident was reported to the police station. The wife's case was that the petitioner was engaged in fishery business had landed property and earned about Rs.30,000 to Rs.40,000/- per month.

The present petitioner contested the application claiming that the wife was a quarrelsome lady and he was pressurized to live as a domesticated son-in-law.

It appears that the petitioner was an able bodied man who had got married to the opposite party / wife and the couple had a child from such wedlock.

Rs.1500/- per month for an individual comes to about Rs.50/- per day. Such an amount is possibly the least that can be granted as interim maintenance allowance in these times of high price indices. As such, I do not find any illegality in the reasoned order passed by the learned Magistrate granting maintenance allowance to the wife and the minor child.

In view of the above, I find no merit in this application and accordingly, the same is dismissed.

However, the learned trial court is requested to conclude the proceeding in the main application under Section 125 of the Code as expeditiously as possible.

With these observations, the revisional application with all connected application are disposed of.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties upon usual undertakings.

(Jay Sengupta, J.)