

Sr. 10
08-07-2021
Subha.
Court no. 34

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

CRR 880 of 2012

In Re : **Sri Tialk Chand Ghosh**

.....Petitioner.

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

The present revisional application has been preferred against the order dated 05.12.2011 passed by the learned Additional Sessions Judge, 3rd Court, Alipore in Criminal Motion No. 667 of 2010.

I find that the revisional application was dismissed for default as none appeared before the learned Sessions Court on 5th December, 2011. The subject-matter of challenge was with respect to an order passed by the learned Judicial Magistrate, 7th Court, Alipore in a case under Section 125 of the Code of Criminal Procedure being Criminal Miscellaneous Case No. 176 of 2009.

The learned Magistrate was pleased to pass an interim maintenance of Rs.5000/- per month for the wife by an order dated 29th September, 2010. The said order was

challenged by the present petitioner who is the husband before the learned Sessions Court.

I find that the present revisional application was taken up on 4th June, 2012 when none appeared on behalf of the petitioner. Today when the matter has been taken up also none appears to represent the petitioner or apprise the court regarding the stage of the proceedings.

Having regard to the fact that the subject-matter of challenge as contended in the revisional application relates to the fact of an award relating to interim maintenance, I am of the view that no interference is called for by this court as the same was passed by way of an interim measure during the pendency of the application under 125 of the Code of Criminal Procedure.

Accordingly, the present revisional application being CRR 880 of 2012 is dismissed.

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

Interim order so passed, if any, is hereby vacated.

Department is directed to communicate this order to the learned Magistrate within a period of seven days from date.

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

(Tirthankar Ghosh, J.)