

15.07.2021  
Ct No. 35  
D/L 27  
ab

**C.R.R. 961 of 2021**  
**(Via Video Conference)**

Re: An application for under Section 397/401 read with Section 401 of the Code of Criminal Procedure, 1973.

In re : Basudeb Ghosh,

... Petitioner

Mr. Uday Sankar Chattopadhyay,

... for the petitioner

Mr. Uday Sankar Chattopadhyay, learned advocate appearing in support of this application, submits that the learned Judge in the revisional Court was not justified in enhancing the maintenance amount from Rs. 7,000/- per month to Rs. 18,000/- per month.

It appears that the revisional Court below has come to a finding that the gross income of the petitioner is Rs. 51,159/- per month and his net income per month is Rs. 34,488/-.

Having regard to the fact that the opposite party has to maintain her two minor daughters as well, the learned Judge in the revisional Court directed the petitioner to pay maintenance of Rs. 18,000/- per month.

Prima facie, I do not find any illegality in the order of the learned Sessions Judge, Purba Bardhaman.

Mr. Chattopadhyay submits that a direction may be passed upon the learned Magistrate in the Court below to finally dispose

of the proceedings under Section 125 of the Code of Criminal Procedure, 1973 pending before him.

Since the opposite party will not be prejudiced by such order, I dispose of the revisional application directing the learned Magistrate in the Court below to dispose of the application under Section 125 of the Code of Criminal Procedure, 1973 as early as possible, preferably within a period of six months from date.

Needless to mention that the learned Magistrate in the Court below will not be influenced by the order passed by this Court or the revisional Court below while considering the maintenance application finally. The learned Magistrate in the Court below will pass the final order taking into consideration all the relevant factors and the evidence that may be adduced before him.

The revisional application being C.R.R. 961 of 2021 is, thus, disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with all formalities.

**(Kausik Chanda, J.)**