

19.07.2021

Item No.22
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 803 of 2013
(Via Video Conference)

Ramesh Prasad
versus
Neeta Prasad & Anr.

In Re: An Application under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973.

The present revisional application has been preferred against the order dated 13.12.2012 passed by the learned Additional Sessions Judge, Special Court, Asansol in Criminal Revision No. 01 of 2011 (preferred at the instance of the present petitioner/husband) wherein the learned revisional court was pleased to enhance the interim maintenance from Rs.2,500/- per month to Rs.3,500/- per month.

I find that on 14.03.2013, a co-ordinate Bench of this Court was pleased to direct the petitioner to continue payment of Rs.2,500/- per month by way of interim maintenance. I am of the view that the interim order so passed is in consonance with the settled principles of law in view of the fact that the present petitioner was aggrieved and as such, approached the revisional court (sessions court) and although no grievance was expressed by the opposite party/wife.

Having regard to the background of the case, the interim order, so passed on 14.03.2013, is made absolute. As

such, so far as the order passed by the learned Magistrate is concerned, the same is affirmed.

However, in the meantime, if the final application under Section 125 of the Code of Criminal Procedure has been disposed of with a different quantum of maintenance, the same should not be altered pursuant to this order being passed, as the order, which is under challenge before this Court, refers to interim maintenance.

With the aforesaid observations, CRR 803 of 2013 is disposed of.

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

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)