

Sr. 20
22-07-2021
Subha.
Court no. 34

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

CRR 814 of 2013

In Re : **Swarup Kumar Daw**

.....Petitioner.

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

This grievance of the present petitioner is in respect of the order dated 19th December, 2012 passed by the learned Additional District and Sessions Judge, 2nd Fast Track Court, Serampore in Criminal Motion no. 71 of 2012 wherein the learned Sessions Court was pleased to set aside the order dated 30th December, 2011 passed by the learned Judicial Magistrate, 4th court, Serampore in connection with Misc. Case No. 149 of 2010.

The order of the learned Sessions Judge additionally reflects that there was a direction to pay a maintenance of Rs.1500/- per month to the wife which will take effect from the date of filing of M. Case no. 149 of 2010. The main contention of the petitioner is in respect of Exhibit A which referred to a

declaration made by the wife where it was declared she was married with the opposite party/husband and after marriage there was a difference of opinion in between them and she voluntarily left the matrimonial home. It would not be out of place to mention that the wife also states in the deposition that she happens to be from a poor family and she married the opposite party/husband herein only for maintaining peace in their joint family and she was subjected to torture by the opposite party/husband. As the factum of torture has been narrated it was incumbent upon the learned Magistrate to take the same into account in the background of the fact of the case and as such the learned Sessions Judge set aside the order of the learned Magistrate and directed for award of maintenance as stated above.

In view of the reasons assigned by the learned Sessions Court while exercising its revisional jurisdiction, I am of the view that no interference is called for.

As such, the present revisional application being CRR 814 of 2013 is dismissed.

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

Interim order, if any, is hereby vacated.

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

(Tirthankar Ghosh, J.)