

Sr.22
30-07-2021
Subha.
Court no. 34

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

CRR 1384 of 2012

In Re : **Chandra Kant Sharma**

.....Petitioner.

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

The grievance of the present petitioner relates to the order dated 07-01-2012 passed by the learned Additional Sessions Judge, 1st Court, Siliguri, Darjeeling in connection with Criminal Revision No. 1(1) of 2012.

Record reflects that the learned Additional Chief Judicial Magistrate, Siliguri by an order dated 14.09.2011 was pleased to award maintenance of Rs.5000/- per month to be paid to the wife with effect from the date of filing of the application till the disposal of the case.

The present petitioner approached the learned Sessions Court and the learned Sessions Court was pleased to pass an order staying payment to be made to the wife on

condition that the present petitioner continues to deposit a sum of Rs.3000/- per month to the wife.

Having regard to the fact that the subject matter of the case relates to the year 2011 and the quantum of maintenance which was awarded by the learned Magistrate was after considering the prima facie materials available and by way of an interim measure during the pendency of the final disposal of the proceeding under Section 125 of the Code of Criminal Procedure, I am of the view that the Sessions Court while exercising its revisional jurisdiction should not have reduced the quantum. As such, the order passed by the learned Magistrate on 14.09.2011 is affirmed. The order dated 7.1.2012 is set aside.

With the aforesaid observations, the present revisional application being CRR 1384 of 2012 is disposed of.

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.)