

Sr. 08
06-07-2021
Subha.
Court no. 34

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

**CRR 1312 of 2019
with
CRAN 2 of 2020**

In Re : **Amit Ghosh**

.....Petitioner.

In the matter of : An application under Article 227 of the
Constitution of India.

Mr. Pradip Kumar Roy
Ms. Shraboni Sarkar

...for the petitioner.

None appears on behalf of the opposite party.

The grievance of the petitioner relates to the part of
the revisional court's order which says that the maintenance
should be paid "from the date of the application under Section
125 of the Code of Criminal Procedure i.e., 16.06.2016".

Learned advocate for the petitioner points out that
the order of the learned Magistrate dated 15th March, 2018
was from the date of the order. However, the quantum of
maintenance referred to in the learned Magistrate's order did

not tally with the contents of the said judgement dated 15th March, 2018.

According to the learned advocate although the Sessions Court appreciated the error so far as it related to the quantum but ignored the order passed by the learned Magistrate so far as the starting date of payment which was to be made from the date of the order.

It has been pointed out by the learned advocate appearing for the petitioner that the opposite party was receiving interim maintenance allowance from the date of the application which was Rs.1000/- per month for herself and Rs.500/- per month for the child.

In view of the submissions so made by Mr. Pradip Roy, learned advocate for the petitioner about the discrepancies pointed out by him, I am of the view that as by way of interim measure, the opposite party/wife was receiving maintenance during the pendency of the main application under Section 125 of the Code of Criminal Procedure there was no reason for the learned Sessions court to give retrospective effect to the final order.

Accordingly, the order dated 25th February, 2019 passed by the learned Additional Sessions Judge, 2nd Court, Sealdah, South 24 Parganas passed in Criminal Revision No. 32 of 2018 is modified to the extent that the "Revisionist/husband Amit Ghosh is directed to pay Rs.3000/- (three thousand) per month towards maintenance of the OP-

1/wife Swagata Ghosh and to pay Rs.4000/- for the son from the date of the order i.e., 15th March, 2018”.

With the aforesaid observations, the revisional application being CRR 1312 of 2019 is disposed of.

Accordingly, the application being CRAN 2 of 2020 is also disposed of.

Pending applications, if any, are consequently disposed of.

Interim order, if any, is hereby disposed of.

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

(Tirthankar Ghosh, J.)