

19.07.2021

Item No.23
Ct.No.34
dc.

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

C.R.R. 1207 of 2013
(Via Video Conference)

Smt. Chayanika Sen (Das)
versus
Pankaj Sen

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

In Criminal Motion No. 62 of 2013, the learned Sessions Judge, Hooghly was pleased to modify the amount of interim maintenance passed by the learned Judicial Magistrate, 4th Court, Hooghly in connection with M.C. Case No. 112 of 2012 by reducing the interim maintenance from Rs.1500/- per month to Rs.1200/- per month.

Having regard to the fact that the learned Judicial Magistrate granted maintenance only of Rs.1500/- per month by way of interim measure during the final disposal of the proceedings under Section 125 of the Code of Criminal Procedure, I am of the view that the order so passed by the learned Sessions Judge was unwarranted as the learned court has deviated from the settled principles of law in respect of proceedings under Section 125 of the Code of Criminal Procedure. Accordingly, the order so passed by the learned Sessions Judge in Criminal Motion No. 62 of 2013 is set aside and the order so passed by the learned Judicial Magistrate, 4th Court, Hooghly is affirmed. As such, CRR 1207 of 2013 is allowed.

The petitioner/wife will be at liberty to recover the arrears by taking out appropriate application before the learned Judicial Magistrate.

Interim order, if any, is hereby vacated.

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.)