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C.R.R. No.1246 of 2013
(Via Video Conference)

In Re : An application under Section 397 of the Code of Criminal Procedure, 1973;

In the matter of : Kalyan Prasad Pandey. ...petitioner.

The present revisional application, which has been preferred against the order 19.01.2013 passed by the learned Chief Judicial Magistrate, Burdwan, is the subject matter of challenge before this Court.

The peculiarity of the present application under Section 125 of the Code of Criminal Procedure is that in this case the mother has filed an application under Section 125 of the Code of Criminal Procedure praying for maintenance from the son. The order under challenge is for want of jurisdiction of the court and I find rightly the learned Chief Judicial Magistrate turned down the same with specific observations if the mother is driven out from the residence and she takes shelter at the house of her daughter that cannot deprive the mother jurisdiction and invoking the provisions of law in a court within whose territory she had been earlier residing.

At the time of admission of the present revisional application on 14.05.2013, a co-ordinate Bench of this Court was pleased to stay the proceedings for a period of six weeks after summer vacation on condition the petitioner/son continues paying

a sum of Rs.10,000/- per month as maintenance to the opposite party/mother. In view of the orders so passed by a co-ordinate Bench, I am of the view that the amount of Rs.10,000/- per month so directed by the learned co-ordinate Bench should continue as permanent maintenance of the mother, to be paid by the petitioner/son on each and every month within the first week of the said month. The issue of jurisdiction so raised is not tenable in the eye of law and, as such, to that extent, this Court is of the view that the learned Chief Judicial Magistrate, Burdwan has jurisdiction to try the case.

With the aforesaid observations, CRR 1246 of 2013 is disposed of.

If the main application under Section 125 of the Code of Criminal Procedure is still pending, the learned Chief Judicial Magistrate, Burdwan is directed to dispose of the same within a reasonable period of time.

The Department is directed to communicate this order to the learned Chief Judicial Magistrate, Burdwan within a week from date.

Pending application, if any, is 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.)