

13.07.2021

Item No.28
Ct.No.34
dc.

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

C.R.R. 1483 of 2013
(Via Video Conference)

Satrughan Pradhan
versus
Sumitra Pradhan & Anr.

In Re: An Application under Section 482 of the Code of Criminal Procedure, 1973.

The present revisional application was preferred with twin prayers; firstly, the petitioner prayed for quashing of proceedings being Misc. Case No. 236 of 2011 pending before the learned Judicial Magistrate, 5th Court, Asansol and secondly for setting aside the order dated 06.04.2013 passed by the learned Additional Sessions Judge, 3rd Court, Asansol in Criminal Motion No. 30 of 2012 wherein the order dated 04.07.2012 passed by the learned Judicial Magistrate in Misc. Case No. 236 of 2011 was challenged.

I find that the subject-matter of challenge before the sessions court was an order of interim maintenance wherein the learned Magistrate was pleased to award Rs.4,000/- by way of interim maintenance during the pendency of the application under Section 125 of the Code of Criminal Procedure. The reasons so assigned by the learned sessions court are just and cogent and as such, the same do not call for any interference. The quantum of Rs.4,000/- per month, which was awarded, was also found to be in consonance with the status of the parties.

So far as the prayer relating to quashing of the proceedings is concerned, the same is an issue relating to facts which cannot be decided without a trial being conducted and as such, does not call for any interference of this Court.

Both the prayers of the petitioner are accordingly rejected.

The opposite party No.1 will be at liberty to recover the arrears by taking out appropriate application before the learned Judicial Magistrate.

Accordingly, CRR 1483 of 2013 is dismissed.

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.)