

Form No. J(2)

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

Present:

The Hon'ble Justice Jay Sengupta

C.R.R. 1784 of 2019

Harun Rashid Khan

-vs-

The State of West Bengal & Anr.

For the Petitioner : Mr. Tauhid Khan

Heard on : 16.07.2021

Judgment on : 16.07.2021

Jay Sengupta, J.:

This is an application challenging judgment an order dated 27.02.2019 passed by the learned Sessions Judge, Paschim Medinipur in Criminal Appeal No.1 of 2017, thereby modifying the order of interim maintenance passed by the learned Judicial Magistrate, 4th Court at Paschim Medinipur in C.R. Case No.31 of 2015.

Learned counsel appearing on behalf of the petitioner husband submits as follows. The petitioner is working as a

Laboratory Assistant, a Group-D staff at the Hijli College. His net pay is about Rs.12,510/- only as on May, 2019. His job as an LIC agent has already been terminated. He has his mother to look after. The private opposite party being the wife of the petitioner filed an application under the provisions of Protection of Women from Domestic Violence Act in 2015 claiming some relief. By an order dated 24.11.2016 passed by the learned trial court, the petitioner/husband was directed to pay maintenance allowance on interim basis to the defacto complainant of Rs.4,000/- per month to the aggrieved person for herself, Rs.3,000/- per month for each of her two minor children, Rs.2,000/- per month towards cost of separate residential accommodation and Rs.1,000/- per month for medical expenses. Being aggrieved by this order the petitioner preferred an appeal. By an order dated 27.02.2019 passed by the learned appellate court in Criminal Appeal no.1 of 2017, the husband was directed to pay the sum of Rs.3,000/- per month as interim maintenance for the wife, Rs.2,000/- per month each for her two child and a sum of Rs.2,000/- per month for residential accommodation. It is beyond the capacity of the petitioner to pay such high sums as maintenance allowance for the wife and the children.

I have heard the submissions of the learned counsel appearing on behalf of the petitioner and have perused the revision petition, the orders passed by the learned trial court and the learned appellate court.

The contentions of the opposite party/wife appear to be that the petitioner/husband was not only working at the Hijli College, but was also an agent of the LIC. He had 8 to 10 bighas of cultivable land and income from other sources to the extent of Rs.50,000/- per month. She was tortured both physically and mentally and that is why she also sought separate residential accommodation.

Be that as it may, the petitioner is a married man having two minor children to provide for. A sum of Rs.3,000/- per month comes to about Rs.100/- per day. This cannot be termed as an excessive sum for the maintenance of a married lady. The sums granted as interim maintenance for the two children i.e. Rs.2,000/- each per month also do not appear to be excessive. This has to cover their fooding, clothing, medical expenses and education. A sum of Rs.2,000/- for separate residential is possibly a bare minimum that can be awarded.

Therefore, keeping in view the fact that the petitioner is working at a Government College and might be having other sources of income, which has to be finally looked into by the learned trial court and in view of the rising price indices, I do not find any reason to interfere with the impugned order.

Accordingly, the revisional application is dismissed.

However, there shall be no order as to costs.

I request the learned trial court to conclude the proceeding as expeditiously as possible without granting any unnecessary adjournment to any of the parties, preferably within a period of six months from the next date of hearing.

With these observations, the revisional application is disposed of.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Jay Sengupta, J.)