

12.07.2021
Item no.32
Ct. No.34
CHC

C.R.R. No.2220 of 2012

(Via Video Conference)

In Re: An application under Section 401 of Criminal Procedure read with Section 482 of the Code of Criminal Procedure, 1973.

AND

In the matter of:-

Laxmi Kundu

... petitioner

In an application under Section 125 of the Code of Criminal Procedure, the learned Magistrate was pleased to award maintenance of Rs.1500/- per month to the wife from the date of filling of the application.

The learned Magistrate by the same order was pleased to fix quantum and schedule for payment of arrears.

Being aggrieved by such order, the husband approached the learned Sessions Court in Criminal Revision No.367 of 2010 and by an order dated 30th March, 2012 was pleased to modify the order of learned Magistrate to the extent that so far as maintenance of Rs.1500/- is concerned, the same shall take effect from the date of the order that is 16.11.2010. By the same order, learned revisional court was pleased to observe that in case of any arrear maintenance, the same shall be paid in 10 equal installment within ten months from the date. As learned Sessions Court (revisional court) did not assign any reason for fixing the

date of the order for the purposes of awarding maintenance, I am of the view that the same should have been supported by cogent reason. Ordinarily, under the provisions of Cr.P.C. a maintenance allowance or award should be from the date of the application until and unless special reasons are assigned and court decides to award maintenance from the date of the order.

Having regard to the same, I do not find any illegality in the order passed by the learned Magistrate and I am of the view that there is substance in the grievance so expressed in the present revisional application.

Accordingly, the order dated 30.03.2012, passed by the learned Additional Sessions Judge, Fast Track Court No.II, Barrackpore, North 24 Parganas in Criminal Revision No.367 of 2010 is set aside.

Hence, C.R.R.2220 of 2012 is allowed.

Pending application, if any, is disposed of.

Interim order, if any, is hereby vacated.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)