

Sr. 17
24-06-2021
Subha.
Court no. 34

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE
(Via Video Conference)**

**CRR 1685 of 2014
with
CRAN 1 of 2014(Old No. CRAN 4474/2014)
with
CRAN 2 of 2017(Old No. CRAN 4384/2017)**

In Re : **Sisir Kumar Ray**

.....Petitioner.

In the matter of : An application under Sections 401 Cr. P. C
read with Article 227 of the Constitution of India.

Mr. Sourav Chatterjee

...for the O. P. No.2.

The present revisional application has been preferred against the order dated 19th December, 2013 passed by the learned Additional District & Sessions Judge, Fast Track Court – I, Sealdah, South 24 Parganas in Criminal Motion No. 04 of 2013 wherein the learned revisional court was pleased to affirm the impugned order dated 12th August, 2011 passed by the learned Judicial Magistrate, 4th Court, Sealdah in Case No. M-89 of 2009(T. R. No. 68 of 2009) under Section 125 of the Code of Criminal Procedure.

None appears on behalf of the petitioner.

However, Mr. Chatterjee, learned advocate appearing on behalf of the opposite party no. 2 submits that the revisional application do not warrant any merit for interference. On the contrary, he submits that the petitioner has suffered as the final maintenance was directed to be paid from the date of passing of the order and not from the date of filing of the application.

Learned advocate for the opposite party no. 2 also draws the attention of this court to the order of interim maintenance which was granted by the learned Magistrate during the pendency of the hearing of the main application under Section 125 of the Code of Criminal Procedure.

I find that at the stage of admission of the present revisional application, a co-ordinate Bench of this court by an order dated 17th July, 2014 was pleased to direct the petitioner/husband to pay a sum of Rs.2,750/- per month to the opposite party/wife by imposing certain schedule.

I have taken into account the order passed by the learned Judicial Magistrate, 4th Court, Sealdah as also that of the revisional court and I find that the quantum of maintenance of Rs.3000/- which was awarded to the opposite party/wife is not in excess of the cost of living thereby warranting interference by this court. As the learned Magistrate earlier has awarded an interim maintenance at the stage when the application under Section 125 of the Code of

Criminal Procedure was preferred and till the final order was passed on 12th August, 2011, I do not think that the final order is required to be made retrospective from the date of filing of the application.

In view of the observations made above, the revisional application do not call for any interference.

Accordingly, the revisional application being CRR 1685 of 2014 is dismissed.

All connected applications, if any, are disposed of.

If any application is taken out by the wife/opposite party no. 2 for recovery of arrears before the learned Magistrate, the learned Magistrate would dispose of the same in accordance with law.

All parties are to act on the server copy of this order duly downloaded from the official website of this court.

(Tirthankar Ghosh, J.)