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July 13,
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C.R.R. No.1798 of 2013

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

In the matter of : Gautam Kumar Pan. ...petitioner.

The present revisional application has been preferred against the judgment and order dated 13.02.2013 passed by the learned Additional Sessions Judge, 4th Court, Burdwan, in Criminal Appeal No.23 of 2012 wherein the order dated 25.6.2012 passed by the learned Judicial Magistrate, 3rd Court, Burdwan, in Misc. Case No.15 of 2011 was affirmed.

The subject-matter of the grievance of the present petitioner is regarding the order of interim maintenance of Rs.900/- per month to be paid under Section 12 of the Protection of Women from Domestic Violence Act, 2005.

I have perused the order passed by the learned courts below and I find that the learned Magistrate as well as the revisional court took into account the domestic incident report so submitted on 14.1.2011 and thereafter the learned courts below formed their opinion.

Having regard to the substantial materials being relied upon by the learned courts below, I am of the view that no interference can be made regarding the validity of marriage until and unless the trial court comes to a conclusion after proper evidence being adduced. So far as Rs.900/- per month was

awarded to the opposite party, the same was by way of an interim measure, as such, the same do not require any reconsideration.

Accordingly, CRR 1798 of 2013 is dismissed.

Pending applications, if any, are hereby disposed of.

Interim order, if any, is hereby vacated.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)