

19.07.2021
Item no.26
Ct. No.34
CHC

C.R.R. No.1808 of 2013

(Via Video Conference)

In Re: An application under Sections 397/401/482 of the Code of Criminal Procedure.

AND

In the matter of:-

Subhasish Bera

... petitioner

This revisional application has been preferred against the order dated 02.04.2013, passed by the learned 2nd, Judicial Magistrate, Alipore, 24 Parganas (South), in case no. M-31/12, under Section 125 of the Code of Criminal Procedure.

The order so referred to reflects that the learned Magistrate *prima facie* being satisfied passed an order of interim maintenance of Rs.5000/- per month to be paid to the wife by the petitioner/husband.

Records of the revisional application reflect that by an order dated 24.12.2013, a coordinate Bench of this Court was pleased to pass an interim order thereby directing the husband to pay Rs.4500/- as interim maintenance to the wife/opposite party no.1. By the said order, it was further directed that any single default in making payment of maintenance would automatically vacate the interim order and the pendency of the revisional

application in this Court would not be any hindrance to the learned court to dispose of the main proceedings under Section 125 of the Code of Criminal Procedure.

Today when the matter has been taken up, none appeared on behalf of the petitioner to submit compliance of the order so passed on 24.12.2013. I find that the reasons assigned by the learned Magistrate was by way of interim measure during the pendency of the final disposal of the proceedings under Section 125 of the Code of Criminal Procedure and the reasons so assigned are logical, as such, the same do not call for any interference.

Accordingly, C.R.R.1808 of 2013 is dismissed.

Pending application, if any, is hereby disposed of.

Interim order, if any, is hereby vacated.

The wife/opposite party will be at liberty to take out an appropriate application before the learned Judicial Magistrate for recovery of arrears.

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

(Tirthankar Ghosh, J.)