

CRR 2789 of 2011

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

And

In the matter of : Subir Kumar Das

..... petitioner

The present revisional application has been preferred against the Order dated 20.04.2011 passed by the learned Judicial Magistrate, 5th Court, Alipore in Misc. Case No. 147 of 2005 under Section 125 of the Code of Criminal Procedure.

The learned Magistrate allowed the application under Section 125 of the Code of Criminal Procedure and awarded a sum of Rs. 3000/- as maintenance to be paid to the wife from the date of the application. Passing the said final order the learned Magistrate took into account the documents produced by both the parties and thereafter considering the settled principle of law, arrived at the quantum of maintenance after taking into account the written objection of the husband being the present petitioner.

Having regard to the reasons emphasized by the learned Magistrate, I am of the view that the same is based on cogent, reliable and reasonable grounds and the quantum so awarded is a meagre amount considering the present cost for living.

As such no interference is called for. Accordingly, CRR 2789 of 2011 is dismissed.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby vacated.

Wife/opposite party will be entitled to recover the arrears by taking out appropriate application before the learned Magistrate.

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

(Tirthankar Ghosh, J.)