

12.07.2021

Item No.10
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 2030 of 2014
(Via Video Conference)

Sri Anindo Banerjee
versus
Smt Poulami Banerjee

In Re: An Application under Section 482 of the Code of Criminal Procedure, 1973.

The present petitioner being husband was aggrieved by the judgment and order dated 31.03.2014 passed by the learned Additional Sessions Judge, 9th Court, Alipore in Criminal Motion No. 462/2013. Records reflect that the learned Sessions Judge being the revisional court was pleased to dismiss the revisional application. It has been categorically observed by the learned sessions court that the learned Magistrate heard and disposed of the application for interim maintenance without affording any opportunity to the present petitioner and the reasons so assigned that none represented the present petitioner before the learned Magistrate in spite of the matter being called at 11.15 a.m. and 12.45 p.m.

Having regard to the fact that during the pendency of the main application by way of an interim measure, the learned Magistrate was pleased to allow maintenance, I am of the view that if the petitioner is aggrieved, he will have an opportunity to adduce evidence and rebut the contentions of the opposite party/wife in course of trial. As such, there is no

reason to interfere with the order so passed either by the learned sessions court or by the learned Magistrate.

Accordingly, CRR 2030 of 2014 is dismissed.

Interim order, if any, is hereby vacated.

All pending applications, if any, are consequently disposed of.

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

(Tirthankar Ghosh, J.)