

20.09.2021
item No.21
n.b.
ct. no. 34

CRR 2969 of 2012
(via video conference)

Chhanda @ Chanda Sadhukhan
-Vs-
Netai Sadhukhan

This revisional application was preferred against the Judgment and order dated 14.2.2012 passed by the Ld. Additional Chief Judicial Magistrate, Ranaghat, Nadia in Misc Case No.290 of 2009 under Section 125 of the Code of Criminal Procedure.

By the said order the Ld. Magistrate was pleased to dismiss the application under Section 125 of the Code of Criminal Procedure. The reasons assigned was that the present petitioner was involved in job, at a Nursing Home and as such she is not entitled to maintenance.

Having regard to the purpose for which the provision was incorporated in Chapter IX of the Code of Criminal Procedure and the order which states that she is earning as such is not entitled to maintenance requires reconsideration. The maintenance must be in consonance with the status/earning of the husband. I am of the view that the reason so assigned by the Ld. Magistrate suffers from illegality. Accordingly, the judgment and order dated 14.2.2012 passed by the Ld. Chief Judicial Magistrate is hereby set aside.

Consequently, CRR 2969 is allowed.

Learned CJM is directed to issue notice afresh for consideration and re-appreciate the evidence before arriving at a fresh finding.

The department is directed to communicate the order within seven days.

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

(Tirthankar Ghosh, J.)