

08.07.2021
Item no.22
Ct. No.34
CHC

C.R.R. No.2548 of 2014

(Via Video Conference)

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

AND

In the matter of:-

Nirmal Kumar Sur

... petitioner

No one appears for the parties.

The present revisional application has been preferred against the judgement and order dated 04.09.2013 passed by the learned Additional Sessions Judge, 1st Court, Hooghly, in connection with Criminal Appeal No.9 of 2012 and Criminal Appeal No.12 of 2012.

The background of this case relates to an application under Section 23 of the PWDV Act being preferred by the wife against the present petitioner/husband. As an interim measure, the learned Judicial Magistrate, 3rd Court, Chandernagore, was pleased to grant interim maintenance of Rs.5,000/- per month with a right to stay at the residence of the husband without any interruption along with other relevant precautions being passed in the form of the order.

Assailing the said order, both the wife/opposite party as also husband/petitioner preferred appeal before learned Sessions Court. The learned Sessions Court by its appellate order was pleased to enhance the interim maintenance to Rs.7,000/- per

month along with the residence right with an additional compensation of Rs.10,000/- to be paid as the dignity of the wife was injured at her own house.

Having regard to the fact that the learned Sessions Court by way of an interim measure passed such order, I am of the view that the same do not call for any interference at this belated stage. It has not been apprised to this Court regarding the present stage of the proceedings, however, the learned Magistrate is directed that in case there are arrears due, the learned Magistrate will dispose of the same expeditiously as possible after providing opportunity to both the parties. Needless to state that as the revisional application is pending since the year 2015 and there was an interim order of Rs.3,500/- per month to be paid by the petitioner to the opposite parties, the learned Court will assess the arrears which are due and afford suitable installments to the husband/petitioner to be paid within a reasonable period of time. No interference is called for, so far as the merits of the revisional application is concerned and as such, C.R.R.2548 of 2014 is dismissed.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby vacated.

Department is directed to communicate this order to the learned court below within seven days from date.

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

(Tirthankar Ghosh, J.)