

28.09.2021
Ct No. 34
SL. No.14
Somnath (PA)

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE
(Through Video Conference)**

CRR 3251 of 2012

Subhasish Banerjee @ Subasis Banerji
Versus
Anima Banerjee

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

The revisional application was preferred against the order dated 27.07.2012 passed by the Learned Additional Sessions Judge, Fast Track Court-II, Howrah in Criminal Revision No. 147 of 2011. The Learned Revisional Court, by the order dated 27.07.2012, was pleased to affirm the order dated 05.08.2011 passed by the Learned Chief Judicial Magistrate, Howrah in Misc. Case No. 494 of 2010.

The records of the revisional application reflect that the Learned Magistrate by his order dated 05.08.2011 allowed interim maintenance to the tune of Rs. 2,500/- per month to be paid to the wife. Being aggrieved by such order a revisional application was preferred by the husband (being the present petitioner) and the Learned Revisional Court

(Being the Sessions Court) stayed the order passed by the Learned Chief Judicial Magistrate, Howrah subject to the condition that the husband pays Rs. 2,000/- per month in the alternative the interim order was to be vacated.

On an appreciation of the order so passed by the Learned Magistrate as well as the Learned Sessions Judge,, I am of the view that the Revisional Court applied his mind and modified the amount to a sum of Rs. 2,000/- per month. Further, the said award was paid by way of an interim measure during pendency of the main application under Section 125 of the Code of Criminal Procedure and as such no interference is called for.

Accordingly, CRR 3251 of 2012 is dismissed.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby vacated.

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

(Tirthankar Ghosh, J.)