

Sr. 16
23-07-2021
Subha.
Court no. 34

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

CRR 4019 of 2011

In Re : **Sri Dipankar Roy Chowdhury & Ors.**
.....Petitioners.

In the matter of : An application under Section 482 of the
Code of Criminal Procedure.

The present revisional application has been preferred against the order dated 21st March, 2011 passed by the learned Judicial Magistrate, 2nd Court, Barasat, North 24 Parganas wherein the learned Magistrate in an application filed under Section 23(2) of the Protection of Women from Domestic Violence Act, 2005 was pleased to award interim maintenance of Rs.2000/- per month to the wife and Rs.1000/- per month to the minor child.

The grievance of the husband and other in laws relate to other proceedings under Section 125 of the Code of Criminal Procedure and also in respect of offence under Sections 498A/406/34 of the Indian Penal Code.

It has been settled by the Hon'ble Supreme Court that the wife is entitled to invoke the provisions of law under the

different acts for maintenance as each act has different scope and objectives. However, the quantum of amount so awarded should be adjusted and only the highest quantum which is paid in respect of maintenance in any of the proceedings should be awarded. On an appreciation of the issues so raised by the petitioners, I am of the view that the amount so awarded was by way of interim measure prior to the evidence commencing. Accordingly, this court is of the opinion that no interference is called for by this court.

As such, the present revisional application being CRR 4019 of 2011 is dismissed.

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

Interim order, if any, is hereby dispose of.

All parties are to act on the server copy of this order duly downloaded from the official website of this court.

(Tirthankar Ghosh, J.)