

12.07.2021

Item no.11

Ct. No.34

CHC

**C.R.R. No.2890 of 2014**

**(Via Video Conference)**

In Re: An application under Section 482 of the Code of Criminal Procedure read with Sections 397 & 401 of the Code of Criminal Procedure.

AND

In the matter of:-

Radha Binod Maji

... petitioner

The present revisional application has been preferred against the judgement and order dated 24.04.2014, passed by the learned Additional District and Sessions Judge, 2<sup>nd</sup> Court, Asansol, Burdwan, in Criminal Motion No.01 of 2014.

The judgement and order so passed by the revisional court reflects that the subject-matter of grievance related to an order dated 19.06.2013 passed by the learned Judicial Magistrate, 5<sup>th</sup> Court, Asansol, Burdwan in Misc.Case No.328 of 2011 under Section 125 of the Code of Criminal Procedure.

Records further reveal that by an order dated 19.06.2013, the learned Magistrate was pleased to allow the interim maintenance of Rs.2,000/- in favour of the wife and Rs.2,000/- per month to the minor child aggregating to an amount of Rs.4,000/- per month by way of interim maintenance. At the time of admission of the present revisional application, by an order dated 04.09.2014,

a coordinate Bench of this Court by way of interim measure was pleased to direct the petitioner to pay a sum of Rs.3,500/- per month during the pendency of the present revisional application.

Today when the matter was taken up none appeared on behalf of the petitioner and no information has been furnished to the Court regarding the compliance of the said order.

Learned Sessions Court while disposing of the revisional application took into account the ability of the petitioner to pay along with the minimum cost required for survival of an individual and thereafter, categorically held that the amount is not exorbitant and thus dismissed the revisional application.

Having regard to the fact that the amount so awarded to the opposite party was by way of interim measure during the pendency of the main application under Section 125 of the Code of Criminal Procedure. There is no scope for interference at this stage.

Accordingly, C.R.R.2890 of 2014 is dismissed. All pending applications, if any, are consequently disposed of.

Interim order, if any, is hereby vacated.

The opposite party/wife would be entitled to recover the arrears by taking out proper application before the learned Magistrate.

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

**(Tirthankar Ghosh, J.)**