

16-07-2021
Item no.31
Subrata

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR No.3988 of 2012
Papiya Mondal (Halder)
-vs-
Toton Mondal

None

...for the petitioner

The present revisional application has been preferred assailing an order dated October 17, 2012 passed by learned Judicial Magistrate, First Class 1st Court, Alipore, South 24 Parganas in connection with M Case No.160 of 2012 under section 125 CrPC.

The grievance of the petitioner being the wife of the opposite party relates to refusal of the interim maintenance by the learned Magistrate under section 125 CrPC.

Having perused the order I am of the view that the provisions of section 125 CrPC are completely different from other matrimonial proceedings before the civil court or proceedings under the Protection of Women from Domestic Violence Act, 2005.

Having regard to the above, the learned Magistrate should have assigned proper reasons for refusal of the maintenance. However, the order under challenge is of October 2012 and the revisional application is pending before this court also since 2012. The present stage of the proceedings before the learned Magistrate is not known to this court.

Accordingly, the learned Magistrate is directed to see that in case such proceedings are pending, he should pass a suitable order fixing the quantum of maintenance and thereafter pass a direction regarding the adjustment of the amount if the wife is receiving any amount by way of maintenance in any further proceedings in a civil

court or a criminal court.

With the observations as above, CRR No.3988 of 2012 is disposed of.

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

Interim order, if any, stands vacated.

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

[Tirthankar Ghosh, J]