

22.07.2021
Item no.30
Ct. No.34
CHC

C.R.R. No.4161 of 2013

(Via Video Conference)

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

AND

In the matter of:-

Kaushik Saha @ Kawsick Saha
.... petitioner

Ms. Sreyashee Biswas
...for the petitioner

The present revisional application has been preferred against the judgement and order dated 20th March, 2013, passed by the learned Judicial Magistrate, 1st Class, Kalyani, Nadia, in connection with Misc.Case No.57 of 2012, wherein the learned Magistrate was pleased to award interim maintenance of Rs.3000/- per month to the opposite party/wife under Section 125 of the Code of Criminal Procedure.

Records of the revisional application reflect that by an order dated 23.12.2013, a coordinate Bench of this Court by way of an interim order was pleased to direct the petitioner to continue payment of Rs.2,000/- per month as interim maintenance and liquidate the arrear if any accumulated by way of 10 equal instalments which was to be paid alongwith the current maintenance so directed by this Court. The revisional application is appearing after seven years and the subject-matter of challenge

relates to interim maintenance. The amount so decided by a coordinate Bench on 23.12.2013 is justifiable and as such, the same order of Rs.2,000/- per month as an interim maintenance is made absolute. However, if, in the meantime, the learned Judicial Magistrate, has during the pendency of the revisional application arrived at a final determination regarding the quantum of maintenance thereby disposing of the application under Section 125 of the Code of Criminal Procedure, the award so passed by way of final determination of the application under Section 125 of the Code of Criminal Procedure will not be altered or modified pursuant to this order passed in the instant revisional application.

With the aforesaid observations, C.R.R.4161 of 2013 is disposed of.

Pending application, if any, is consequently disposed of.

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

(Tirthankar Ghosh, J.)