

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

Before:
The Hon'ble Mr. Justice Jay Sengupta

CRR 1912 of 2020
(via video conference)

Subimal Chakravarti

Versus

State of West Bengal

For the Petitioner : Mr. Siva Prasad Ghose
Mr. Chandra Bhanu Sinha
Mr. Rohit Kumar Shaw

Heard on :12.01.2021

Judgement on :12.01.2021

Jay Sengupta, J. :

This is an application challenging an order dated 19.12.2020 passed by the learned Judicial Magistrate, 3rd Court, Purba Midnapur in Misc. Ex. Case No. 103 of 2016 arising out of Miscellaneous Case No. 317 of 2014 under Section 125 of the Code.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is a sculptor by profession. The opposite party no.1/wife had been

claiming maintenance from the petitioner in different name. Referring to the application of the wife in Misc. Case No. 317 of 2014 as annexed with the revision petition, it is submitted that the opposite party no.1 herein had named herself as Smt. Mahua Chakraborty (Parial) in the cause title of the application. In some money receipts, she signed her name like that. Accordingly, the petitioner husband issued a cheque in favour of the wife on 07.11.2019 mentioning her name as Smt. Mahua Chakraborty (Parial). Although learned trial Court had directed the wife to supply the bank details in 2019, she did not do so promptly and she furnished such details only in 2020. Learned Magistrate erred in overlooking all these facts and directing the husband to pay maintenance allowance to the petitioner's bank account as provided by her.

I have heard the submissions of the learned counsel appearing on behalf of the petitioner and have perused the revision petition.

The name given in the cause title is meant for describing the particular individual who is coming before a Court. Often, the maiden surname of a married lady is

given in brackets. It is quite obvious that ordinarily bank authorities would not allow any individual to keep an account in such name. The petitioner ought to have been aware of this. In spite of this, the petitioner has taken a strange and a rather naïve plea that he could not make necessary payment because the cheque issued in such name, having the maiden surname in brackets, was allegedly refused by the wife.

First, the petitioner had no reason to issue a cheque in such name. Secondly, even if the wife had refused such a defective piece of instrument, she was within her right to do so. Moreover, there are other modes of making payments like sending the payment by money order. The petitioner has not taken recourse to any such alternative method.

Be that as it may, it appears from the records that the bank details have been furnished by the wife before the learned trial Court. Therefore, it shall open to the petitioner to make necessary payment in that account of the wife. In case of any difficulty that may arise, the same may be brought to the notice of the learned trial Court.

In view of the above, I do not find any merit in this

revision. The revisional application is dismissed. However, the imposition of a cost of Rs. 10,000/- on the petitioner by the learned Magistrate on 19.12.2020 is set aside.

CRR 1912 of 2020 is disposed of.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)