

23-09-2022
Subha
Item no.18

Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 54 of 2021

Shri Sunandan Acharya
-versus-
Smt. Ruma Acharya

Mr. Biswajit Sau

....for the petitioner.

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

The petitioner is aggrieved by the order of interim maintenance dated 11.11.2020 passed by the learned Judicial Magistrate, 3rd Court, Contai.

By the said order, the learned Magistrate was pleased to pass an order of interim maintenance of Rs.3000/- per month to the wife and Rs.3000/- per month to the minor child.

The principal grievance of the learned advocate appearing for the petitioner is that the petitioner first of all was willing to take back the wife but in spite of that the wife is unwilling to return and lead a family life along the husband/present petitioner.

The other objection relates to quantum of land and earning which has been reflected in the order dated 11.11.2020. According to the learned advocate the said observation clearly reflects the views of the court in arriving at a finding for awarding maintenance. It has been submitted that an additional affidavit was filed before this court. The husband has stated that he has .91 decimals of agricultural land along with a pond, which is valued at most at 1.5 lakhs. Additionally, it has been submitted by the learned advocate that because of the criminal case being registered and the petitioner being taken into custody, the petitioner has lost his job and is at present unemployed.

Be that as it may, the learned Magistrate by way of interim maintenance has awarded a very meagre sum of money, which bares a minimal for sustenance of an individual. As such, the award cannot be interfered with. However, the learned Magistrate is directed that in course of evidence during the main proceedings under Section 125 of the Code of Criminal Procedure, the learned court should not accept but would call for strict proof of documents so far as the earning of the petitioner is concerned so that the learned court can arrive at its finding freshly at the end of the trial.

With the aforesaid observations, the revisional application being CRR 54 of 2021 is disposed of.

Pending applications, if any, are consequently disposed of.

Interim order, if any, is hereby vacated.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]