

05.05.2022  
Item No. 35 & 36  
d.g.  
Ct. No.34

**CRR 4021 of 2017  
With  
CRAN 2 of 2021**

**Manik Sadhukhan  
vs.  
Mithu @ Juin Sadhukhan**

**With  
CRR 55 of 2018**

**Mithu @ Juin Sadhukhan  
Vs.  
Manik Sadhukhan @ Sukhendu & Anr.**

Mr. Tapas Kumar Ghosh,  
Mr. Tanmay Chowdhury.  
... for the husband/petitioner

Ms. Reshmi Ghosh,  
Mr. Soumya Sankar Chini.  
... for the wife/opposite party

Both the revisional applications in CRR 4021 of 2017 and CRR 55 of 2018 are taken up together for hearing, as both the applications were preferred against the order dated 23<sup>rd</sup> November, 2017.

I find that the grievance of the petitioner in CRR 4021 of 2017 is in relation to the quantum of interim maintenance awarded by the learned Judicial Magistrate, 2<sup>nd</sup> Court, Hooghly Sadar. According to the petitioner, who happens to be the husband the quantum is excess. Per contra in CRR 55 of 2018 wherein the wife is the petitioner, the revisional application challenging the same order was with a reason of enhancing the quantum of interim maintenance which was awarded by the learned Judicial Magistrate in connection with the same case being M.C. No. 186 of 2017.

Having regard to the fact that the maintenance awarded and quantification of the same was by way of an interim measure during the pendency of the main application under Section 125 of the Code of Criminal Procedure, 1973 which was assessed by the learned Magistrate on preliminary set of facts which were not by way of evidence but on a preliminary assessment of the materials placed on records by both the parties, I am of the opinion that no interference is called for, so far as the order dated 23<sup>rd</sup> November, 2017 is concerned. However, the same would not preclude the learned Magistrate from arriving at a fresh amount either enhancing or reducing the quantum of maintenance after final adjudication of the proceedings under Section 125 of the Code of Criminal Procedure.

The main application was filed in the year 2017, till date the same is pending as has been submitted before the Court by the learned Advocates appearing for both the parties.

In view of the aforesaid, I direct the learned Judicial Magistrate, 2<sup>nd</sup> Court, Hooghly Sadar to fix at least one date in every ten days so that the trial of the case is taken to its logical conclusion with a reasonable period of time.

With these observations, both the revisional applications being CRR 4021 of 2017 and CRR 55 of 2018 respectively are disposed of.

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

Interim order if any, is hereby vacated.

The petitioner would go on paying the said sum of Rs.15,000/- by way of interim maintenance till the learned Magistrate arrives at a new finding.

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

**(Tirthankar Ghosh, J.)**