

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

Present:

The Hon'ble Justice Jay Sengupta

C.R.R. 330 of 2021

Biplab Das & Ors.

-vs-

Srabani Das & Anr.

For the Petitioners : Ms. Sohini Bhattacharyya

Heard on : 24.02.2022

Judgment on : 24.02.2022

Jay Sengupta, J.:

This is an application challenging an order dated 22.08.2019 passed by the Judicial Magistrate, 3rd Court, Alipore, South 24 Parganas in Case No. AC 822 of 2017 under the provisions of Protection of Women from Domestic Violence Act.

Learned counsel for the petitioners submits as follows. The petitioners are the husband and the other in-laws of the opposite party no.1/wife. The petitioner no.1 and the opposite party no. 1 got

married in 2015. After that, disputes cropped up between the parties. In 2017, the private opposite party filed an application claiming relief under the provisions of Protection of Women from Domestic Violence Act. The wife alleged that she was tortured and driven out from the matrimonial home and that the husband was having an affair with somebody. By an order dated 22.08.2019 the learned trial court granted interim monetary relief of Rs. 2500/- per month to be paid by petitioner no. 1 to the opposite party no. 1. The petitioner no. 1 is a driver by profession and he was unemployed mostly during the pandemic period. Therefore, it would be absolutely impossible for him to pay interim maintenance allowance to the wife. The main application under the said Act is still pending.

I have heard the submissions of the learned counsel appearing for the petitioners and have perused the revision petition.

First, the revisional application is barred by limitation because an order dated 22.08.2019 has been challenged in 2021 without filing an application under Section 5 of the Limitation Act.

Secondly, on merits, it appears that the opposite party no. 1 had claimed that her husband was having a travel business and owned a Tata Sumo car and from these, he was earning more than Rs. 50,000/- per month.

Even if one goes by the admission of the petition that petitioner no.1 is working as a driver, a sum of Rs. 2500/- per month to be paid to the wife as interim maintenance allowance is not too high. This comes to less than Rs. 100/- per day.

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

Accordingly, the revisional application is dismissed.

However, there shall be no order as to costs.

This order shall also not come in the way of the petitioner in raising all the points taken up in this application at the time of final hearing of the application filed under the provisions of the Protection of Women from Domestic Violence Act.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)