

D/L23  
June 17,  
2022  
Bpg.

C.R.R. No.333 of 2021  
With  
CRAN 1 of 2021

In Re: An application under Section 397/401 read Section 482 of the  
Code of Criminal Procedure, 1973;

Mamtaz Bibi  
Versus  
Selim Khan

Mr. Priyanjit Kundu,  
Ms. Snigdha Saha  
...for the petitioner.

**In Re: CRAN 1 of 2021**

Affidavit of service so filed be kept with the record.

Learned advocate appearing for the petitioner prays for  
condonation of delay of 895 days in preferring this revisional  
application.

The reasons so assigned in the application for  
condonation of delay are found to be just and sufficient.  
Accordingly, delay is condoned. The application being CRAN 1 of  
2021 is, thus, allowed.

I find that in connection with Misc. Case No.699 of 2002  
the learned Judicial Magistrate, 3<sup>rd</sup> Court, Alipore was pleased to  
award maintenance of Rs.1400/- per month and directed the  
opposite party/husband to pay the said sum of money from the  
date of filing of the application, that is, 10.10.2002. The learned  
Sessions Court in its revisional jurisdiction retained such quantum  
of Rs.1400/- per month and directed the opposite party to pay the

said sum from 16.12.2015, that is, the date of delivery of the order of the learned Magistrate.

The said order so passed by the learned Additional District and Sessions Judge, 11<sup>th</sup> Court, Alipore in Criminal Motion No.74 of 2016 does not assign any “special reasons” for directing the opposite party/husband to pay the said sum of maintenance from the date of the order. The order so passed is in deviation of the statutory provisions and, as such, the order passed by the learned Additional District and Sessions Judge, 11<sup>th</sup> Court, Alipore in Criminal Motion No.74 of 2016 dated 29.08.2018 is hereby set aside. The learned Sessions Judge would freshly consider the revisional application and assign reasons and adhere to the provisions of Section 125 of the Code of Criminal Procedure.

With the aforesaid observations, CRR 333 of 2021 is disposed of.

Needless to state that the opposite party/husband would go on paying the amount of maintenance as directed by the learned Magistrate.

Pending application, if any, is consequently disposed of.

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

**(Tirthankar Ghosh, J.)**