

15-12-2022
Subha
Item no.11
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 539 of 2021
With
CRAN 1 of 2021

Subhas Chandra Mondal
-versus-
Snigdha Saha @ Mondal & Anr.

Re : An application under Section 401 read with S.482 of the Cr.P.C.

Mr. Anwar Hossain
Ms. Manisha Sharma
.....for the State.

CRAN 1 of 2021

Having heard the reasons so assigned in paragraph 6 of the application, I find that the same are just and sufficient and the litigant should not be allowed to suffer for the fault or inconvenience of the learned counsel.

Accordingly, the prayer for condonation of delay of 310 days is allowed.

As such, the application being CRAN 1 of 2021 is disposed of.

CRR 539 of 2021

The present revisional application has been preferred challenging the order dated 10th January, 2020 passed by the learned Judicial Magistrate, 4th Court, Burdwan in connection with Misc. Cse No. 471 of 2018.

The subject matter of this revisional application relates to a proceedings under Section 125 of the Code of Criminal Procedure where the learned Magistrate, on an appreciation of the materials

placed before him, was pleased to arrive at a finding thereby awarding maintenance of Rs.5,000/- per month to be paid to the wife/opposite party from the date of the filing of the application.

By the same order, the learned Magistrate directed the husband/petitioner to pay towards arrears of Rs.1000/- per month till the same is exhausted.

Mr. Anwar Hossain, learned advocate who ordinarily appears on behalf of the State is directed to represent the State in this revisional application. The appointment of Mr. Hossain, learned advocate may be regularized by the concerned authorities in due course.

Having regard to the fact that the said order was passed on 10th January, 2020 and more than 35 months have passed since then and the fact that there is no communication or any information furnished before this court as to whether the payment in full or part has been made to the opposite party/wife, I am of the opinion that no interference could be made at this belated stage when none of the points was canvassed to attract the foundation of an application under Section 125 of the Code of Criminal Procedure.

Further, the quantum of maintenance so awarded is commensurate with the status and earnings of the present petitioner.

Having regard to the same, I direct that in case there has been change of circumstance, the petitioner would be at liberty to take out an appropriate application under the statutory provisions before the learned Magistrate.

Accordingly, the present revisional application being CRR 539 of 2021 is dismissed.

Pending applications, if any, are consequently disposed of.

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]