

In The High Court At Calcutta
Criminal Revisional Jurisdiction

C.R.R 668 of 2019

Amarendra Singh
-versus-
Varsha Singh & Anr.

Mr. Pratip Kumar Chatterjee

.....for the Petitioner

Mr. Animeh Pal

.....for the O.P. No. 1.

Being aggrieved and dissatisfied with the order dated 21.12..2018 passed by the learned Chief Judge, City Sessions court, Calcutta, in Criminal Appeal No. 108 of 2018 present application under Section 482 read with Section 401 of the Code of Criminal Procedure has been preferred by the petitioner Amarendra Singh.

By the impugned order the learned Revisional Court has modified the order passed by the learned Trial Court on 04.10.2018 to the extent that the husband shall pay interim monetary relief to the tune of Rs. 4000/- per month to the wife and will pay Rs. 5000/- per month as interim financial assistance for alternative accommodation of the wife and child and also to pay Rs. 5000/- per month towards interim monetary relief for the minor child from the date of the order.

It has been contended by the petitioner that the opposite party no.1 was married with the petitioner on 6.11.2014 as per Hindu rituals and ceremony and at the time of marriage it was disclosed on the part of the petitioner herein that he is a Bank employee under

United Bank of India and is receiving a salary of Rs. 50,000/- per month. Due to said wedlock one male child namely Adiya Singh was born. Subsequent to marriage the petitioner allegedly abused opposite party No.1 by criticizing the dowry given to them and for which opposite party no.1 lodged a complain under Section 498 A of the Indian Penal code (IPC).

Under compelling circumstances, she also filed the present case under Section 12 of the Protection of women from Domestic Violence Act (PWDV Act) and prayed for interim relief under Section 23 of the PWD Act.

The learned Metropolitan Magistrate, 12th Court, Calcutta by its order dated 4.10.2018 granted interim monetary relief to the child only to the tune of Rs. 3000/- per month to be paid by petitioner herein from the date of the order till disposal of main application under section 12.

Challenging the said order dated 4.10.2018 passed by learned Metropolitan Magistrate, 12th Court, Calcutta in connection with the Misc. case no. 19 of 2018, the opposite party no. 1 herein filed a Criminal Appeal being no. 108 of 2018 before the Chief Judge, City Sessions Court, Calcutta.

After contested hearing the learned Chief Judge, City Sessions Court, Calcutta by impugned order was pleased to modify the aforesaid order dated 04.10.2018 to the extent that the petitioner/husband will pay Rs. 4000/- per month to the wife towards her interim monetary relief and will also pay Rs. 5000/- per month towards interim financial assistance for alternative accommodation of the wife and the child and petitioner is further directed to pay Rs. 5000/- per month towards interim monetary relief for the minor child,

from the date of order.

Being aggrieved and dissatisfied with the aforesaid order passed in the Criminal Appeal No. 108 of 2018, the present application has been preferred.

It has been contended by Mr. Pratip Kumar Chatterjee, learned counsel appearing on behalf of the petitioner that the wife/opposite party no. 1 lodged a Criminal case Under Section 498 A of the I.P.C. and for which the husband/ petitioner was in custody for about 4 months and for which he is still suffering mental trauma and he is at present not in a position to attend his office and for which he is not getting salary at present. He is totally dependent upon income of his father and somehow passing his days with the financial assistance given by his father and as such he is not in a position to pay monthly maintenance more than Rs. 3000/- per month.

Mr. Animesh Pal, learned counsel appearing on behalf of the opposite party submits that he has no such information that the petitioner is not getting salary at present, however, he prayed that a direction may be given to the learned Trial court for early disposal of the main maintenance application, after affirming the order passed by Chief Judge, City Sessions Court.

Having considered the fact and circumstances of the case and the materials available in the record and in the absence of any proof that the monthly salary of petitioner who is a bank employee has been stopped, I am not inclined to interfere with the order impugned in respect of monetary relief granted to opposite party No.1 and their minor child save and except granting of Rs. 5000/- towards interim financial assistance for alternative accommodation for the opposite party no. 1 and their child, which issue shall be kept open for

disposal at the time of final disposal of this case as I find that order impugned does not disclose any urgency for granting such financial assistance for alternative accommodation at this interim stage.

The revisional application being CRR 668 of 2019 is hereby disposed of with a direction upon the petitioner to pay interim monetary relief of Rs. 5000/- to his minor child and Rs.4000/- to the wife/opposite party no.1 month by month within 7th of each succeeding month till disposal of the application filed under section 12 of the PWDV Act. The arrear amount of monetary relief shall be paid by six monthly installments within 31.01.2023. The order regarding payment of Rs. 15,000/- for the expenses occurred for the admission of their minor son in the school is also not interfered by this order. Section 12 (5) of the PWDC Act contemplates that the Magistrate shall make every endeavour to dispose of application under section 12(1) within a period of sixty days of it's first hearing. Accordingly learned Magistrate is directed to make every endeavour for expeditious disposal of Misc. Case No. 19/2018, now pending before learned Metropolitan Magistrate 12th Court preferably within a period of sixty days from the date of receipt of the order without granting any unnecessary adjournment to either of the parties.

(Ajoy Kumar Mukherjee, J.)