

22-04-2022
Subha
Item no.04
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

C.R.R 827 of 2019

In the matter of : **Reshmi Dey nee Mitra & Anr.**petitioners.

In Re : An application under 401 read with Section 482 of the Code of Criminal Procedure.

Mr. Prodip Paul
....for the petitioners.

Mr. Santosh Chowdhury
.....for the opposite party no. 2.

Mr. Bidyut Roy
Ms. Rita Dutta
Ms. Sujata Das
....for the State.

The revisional application has been preferred challenging the order dated 18.02.2019 passed by the learned Judicial Magistrate, 2nd Court, Sealdah in Miscellaneous Case No. 64 of 2016 under Section 125 of the Code of Criminal Procedure wherein the learned Magistrate by way of interim maintenance was pleased to award a sum of Rs.2000/- per month to be paid to the wife (petitioner herein) and Rs.2000/- per month to the minor child aggregating to a sum of Rs.4000/- per month.

The order passed by the learned Judicial Magistrate reflects that such award was fixed on the foundation that the husband was earning salary of Rs.48,749/- per month.

Having regard to the quantum of earning, I am of the opinion

that the maintenance award is not commensurate. Accordingly, the same is modified to the extent that the husband would pay a sum of Rs.7500/- per month to the wife and Rs.5000/- per month to the minor child in the mode and manner as has been stated by the learned Judicial Magistrate, 2nd Court, Sealdah in its order dated 18th February, 2019.

With the aforesaid observations, the present revisional being CRR 827 of 2019 is disposed of.

The report so submitted by Mr. Bidyut Roy, learned advocate appearing for the State for effecting service upon the opposite party no. 2 be kept with the record.

All pending applications, if any, in connection with the revisional application, are consequently disposed of.

Interim order, if any, is hereby vacated.

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]

