

CRR 907 of 2015

In the matter of:- **Sanjay Kumar Khan**
..... Petitioner

Mr. Sandip Chakraborty
....for the State

None appears on behalf of the petitioner as well as opposite party no.2.

The petitioner in the revisional application has assailed the order dated 19.02.2015 passed by learned Additional District Judge, Fast Track, 2nd Court, Tamluk, Purba Medinipur affirming the order of interim maintenance passed in favour of opposite party No. 2 and her minor child by Judicial Magistrate, 2nd Court, Tamluk, Purba Medinipure.

The brief fact of the case is that the opposite party No. 2 filed an application under Section 125 of the Code of Criminal Procedure being Misc. Case No. 20 of 2014 with a prayer for monthly interim maintenance for herself to the tune of Rs. 6,000/- per month for herself and Rs. 4,000/- per month for her minor son in the said proceeding. The learned Judicial Magistrate, 2nd Court, Tamluk, Purba Medinipure allowed interim maintenance to the tune of Rs. 2,000/- and Rs. 1,000/- per month for opposite party no. 2-wife and the minor child respectively. The said order was challenged in revision being Criminal Revision No. 1855 of 2014 and the learned Additional District Judge, Fast Track, 2nd Court, Tamluk, Purba

Medinipur dismissed the revision on 19.02.2015 affirming the order passed by the learned Judicial Magistrate, 2nd Court, Tamluk, Purba Medinipur, towards interim maintenance in favour of opposite party and her minor son. Being aggrieved by and dissatisfied with the impugned order dated 19.02.2015 the petitioner has filed the present revision.

It is contended in the revisional application that the learned Court below did not consider that the opposite party No. 2 has left the matrimonial home out of her own accord and that the petitioner had to maintain his ailing parents. The question whether the opposite party-wife without any sufficient reasons refused to live with the petitioner-husband is matter to be decided at the appropriate stage of the proceedings. Moreover nothing has been placed on record towards ailment of parents of the petitioner. It is trite law an able bodied person capable of earning is under obligation to maintain his wife and child. I have gone through the impugned order passed by the learned Additional Sessions Judge, Fast Track, 2nd Court, Tamluk, which is sufficiently reasoned and does not call for any interference.

Accordingly, the present revisional application being **CRR 907 of 2015** is dismissed. The impugned order under challenged dated 19.02.2015 is affirmed.

All connected applications, if any, also stand disposed of.

Interim order, if any, also stands vacated.

Urgent Photostat Certified copy of this order, if applied for, be

supplied expeditiously after complying with all necessary legal formalities.

(Bivas Pattanayak, J.)