

10.03.2022.

Item No.49

ss

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
C.R.R. 1347 of 2018**

Pinky Saha nee Roy

Vs.

Shyamal Kumar Roy & anr.

**In Re: An application under Section 482 of the Code of Criminal
Procedure, 1973**

None appears on behalf of either of the parties. No accommodation has been sought for.

Records of this revisional application reflect that by an order dated 17.8.2017, the learned Judicial Magistrate, 3rd Court, Malda was pleased to award maintenance to the tune of Rs.2,000/- per month to the wife and Rs.2,500/- per month to the minor daughter in connection with case No.177M of 2015. The said order was challenged before the learned Sessions Court in its revisional jurisdiction and the learned Additional Sessions Judge, Fast Track 2nd Court, Malda in Criminal Revision No.79 of 2017 by a judgement dated 12.4.2017 was pleased to interfere with the order passed by the learned Magistrate and decided to affirm the part of the order of the learned Magistrate which related to the payment of maintenance to Rs.2,500/- per month to the minor daughter and set aside the order of maintenance so awarded to the wife.

I find that the reasons so assigned by the learned Revisional Court is not in consonance with the settled principle of law and the ground of setting aside the order of maintenance of the wife is not tenable in law.

Accordingly, the part of the order wherein the order of maintenance was set aside in respect of the wife in Criminal Revision Case No.79 of 2017 is hereby set aside.

The matter is remanded to the learned Judicial Magistrate, 3rd Court, Malda for fresh consideration.

Learned Magistrate after considering the changed circumstances would award quantum of maintenance which the learned Court deems fit and proper taking into account the parameters and decide the same within a period of ninety days from the date of communication of this order.

Accordingly, CRR 1347 of 2018 is allowed.

Pending application, if any, is consequently disposed.

Interim order, if any, stands vacated.

Department is directed to communicate this order to the learned Judicial Magistrate, 3rd Court, Malda by 22nd March, 2022.

Learned Magistrate on receipt of the order issue notice and decide as aforestated.

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

(Tirthankar Ghosh, J.)