

CRR 869 of 2013

In the matter of:- Sanjit Dutta

.....Petitioner

No one appears on behalf of the petitioner.

This revisional application has been filed challenging the judgement and order dated 07.03.2012 passed by Ld. Judicial Magistrate, 1st Class, Kalyani, Nadia in Misc. Case No. 189 of 2009 allowing maintenance ex-parte in favour of opposite party No.1-wife and opposite party No.2-daughter.

The brief facts of the case, the opposite party No. 1-wife has filed an application under Section 125 of the Code of Criminal Procedure and as the petitioner-husband failed to appear, the learned Magistrate passed ex-parte order directing the petitioner-husband to pay Rs.1000/- per month to opposite party No. 1-wife and Rs.750/- per month to opposite party No. 2-daughter.

Being aggrieved by and dissatisfied with the aforesaid order the petitioner has preferred present revision.

It appears from the certified copy of the order that as the petitioner failed to appear in Court the case was proceeded ex-parte against him. Further, it is found that the opposite party No.1-wife has no income of her own and after due consideration the learned Judicial Magistrate allowed maintenance in favour of opposite party No.1-wife and her daughter. The object of provisions of Section 125 of the Code

of Criminal Procedure is to prevent, destitution and vagrancy. Petitioner being the husband is under obligation to maintain his wife and daughter.

In view of the above, the impugned order does not call for interference and is accordingly affirmed.

The revisional application is dismissed.

All connected applications also stand disposed of.

Interim order, if any, 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.)