

18.02.2022

Item No.25
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 1155 of 2017
(Via Video Conference)

Noor Nabi Miya & Ors.
versus
The State of West Bengal & Anr.

In Re: An Application under Section 482 of the Code of Criminal Procedure, 1973.

The subject matter of challenge in this revisional application relates to judgement and order dated 23.09.2016 passed by the learned Additional District and Sessions Judge, Fast Track Court, Suri, Birbhum in connection with Criminal Appeal No. 41 of 2015. The operative part of the order which is under challenge is set out as follows :

“The impugned judgement & order dt. 17/02/15 of Ld. Trial Court in Misc. Case no. 28/13 is hereby set aside and the OP/respondent no. 1 is directed to make payment of maintenance allowance of Rs.2,500/- per month to each of the petitioner and her minor child from the date of this order as per English calendar month. The OP no. 1 is directed to pay the said monthly maintenance allowance to the petitioner for herself and on behalf her minor child by the tenth day of every succeeding month.

The OP no. 1 to 5 are further directed to return the cash amount of Rs.1,00,000/- and four bhoies gold ornaments to the petitioner Sahina Bibi @ Begum within 60 days of this order failing which the petitioner shall be entitled to recover the same from the Ops according to law.”

The learned appellate court assessed the materials which were already available on record as also the evidence and factually came to the finding thereby awarding a sum of Rs.2,500/- per month to the petitioner and her minor child aggregating to a sum of Rs.5,000/-. By the same order, the learned appellate court also directed the present petitioners to return the cash amount of Rs.1,00,000/- and four bhoories gold ornaments to the wife/opposite party no.2.

The said findings of the learned appellate court were on the basis of factual materials which surfaced in evidence and the learned appellate court on an appreciation of the same arrived at its conclusion which is adhering to the principles and object for which the Protection of Women from Domestic Violence Act has been enforced and there is no illegality in the said judgment and order dated 23.09.2016. Thus, no interference is called for.

Accordingly, the revisional application being CRR 1155 of 2017 is dismissed.

Interim order, if any, is hereby vacated.

All pending connected applications, if any, are consequently disposed of.

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

(Tirthankar Ghosh, J.)