

11-07-2022  
Subha  
Item no.67  
Ct no.34

IN THE HIGH COURT AT CALCUTTA  
Criminal Revisional Jurisdiction

**CRR 1788 of 2008**

**Purabi Das**  
**-versus-**  
**State of West Bengal & Anr.**

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

Mr. Sourav Chatterjee

....for the petitioner.

The subject matter of the revisional application related to an order dated 26.02.2008 passed by the learned Judicial Magistrate, 1<sup>st</sup> Court, Jangipur, Murshidabad in Misc. Case No. 2 of 2004.

Record of this revisional application reflects that by the said order, the learned Magistrate was pleased to allow the application under Section 126(2) of the Code of Criminal Procedure filed at the instance of the private opposite party.

The grievance of the present petitioner is that purposely the opposite party did not participate in the proceedings and after repeated service, the learned court was pleased to pass the order of maintenance vide the order dated 9<sup>th</sup> January, 2004, thereby directing the opposite party/husband to pay a sum of Rs.1500/- per month to the present petitioner from the date of filing of the case.

Record of the revisional application also reflects that there was evidence recorded before the impugned order was passed. I find

that no provision were made by the learned Magistrate for paying maintenance at the time when S.126(2) Cr.P.C was allowed, which is a cause of concern and obviously a subject matter of grievance of the present petitioner.

Record of this revisional application reflects that the present revisional application was admitted on 18<sup>th</sup> June, 2008, thereafter the revisional application has not appeared for further orders.

In view of the nature of the proceedings, I direct that in case there has been no alteration in the finding of the learned Magistrate for awarding maintenance to the present petitioner by the subsequent order dated 26<sup>th</sup> February, 2008, the learned Magistrate would take steps for ensuring that the petitioner is protected by the legislative intention of being awarded maintenance. If the case is pending since 2008 only on the ground that a revisional application was preferred before the Hon'ble High Court, the learned Magistrate would issue notices and dispose of the main application under Section 125 of the Code of Criminal Procedure and during the pendency direct for awarding of maintenance to the present petitioner.

In case, any issues regarding maintenance are raised before the learned Magistrate by keeping in mind the present costs, the learned Magistrate, if required, would enhance the sum provided a proper application is taken out by the present petitioner.

With the aforesaid direction, the revisional application being CRR 1788 of 2008 is hereby disposed of.

Pending applications, if any, are consequently disposed of.

Department is directed to communicate this order to the

learned Magistrate, 1<sup>st</sup> Court, Jangipur, Murshidabad.

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]