

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

CRR 2404 of 2022

**Smt. Amrita Das nee Kar
Vs.
Sri Piyas Kumar Das and Anr.**

Mr. Abhijit Ganguly
Mr. Subhashis Saha
....for the petitioner

Item No.12

Heard & Judgment on: 31.10.2022

Bibek Chaudhuri, J.

In a proceeding under Section 125 of the Code of Criminal Procedure which was registered as Misc. Case No. 116 of 2019 learned Judicial Magistrate, 2nd Court at Howrah disposed of an application for interim maintenance directing the opposite

party /husband to pay maintenance allowance at the rate of Rs.15,000/- per month for the minor child of the parties and refusing to grant any interim maintenance in favour of the petitioner on the ground holding, inter alia, that the petitioner had independent source of income to maintain herself and he used to work in a private company earning Rs.10,000/- per month.

The said order dated 30th January, 2020 was assailed in revision by the petitioner vide Criminal Revision No.30 of 2020 before the learned Sessions Judge, Howrah. The said revision was taken up for hearing by the learned Additional Sessions Judge, Fast Track, 2nd Court at Howrah and by her judgment dated 30th April, 2022 the aforesaid revision was also dismissed on contest.

It is submitted by the learned advocate for the petitioner that in the meantime, the petitioner had to leave her job in order to look after her minor child. At present the petitioner has no source of income and, therefore, the petitioner is entitled to get interim relief of maintenance from the opposite party.

Having heard the learned advocate for the petitioner and on meticulous perusal of the impugned orders dated 30th

January, 2020 and 30th April, 2022, I do not find any illegality or material irregularity because of the fact that both the Courts below found that the petitioner has been earning to maintain her livelihood.

At this stage, the petitioner has come forward and submits that she had left her job in order to look after her child. The said fact has not been incorporated in the record of Misc. Case No.116 of 2019.

Under such circumstances, while refusing to interfere with the order impugned, the petitioner is given liberty to file appropriate application before the trial Court, if so advised, stating the changed circumstances regarding surrendering of her job and present monetary status of the petitioner for appropriate relief in the trial Court.

If such application is filed by the petitioner, the learned Magistrate shall dispose of such application expeditiously giving opportunity to both the parties for hearing.

With the above direction, the instant criminal revision is disposed of.

(Bibek Chaudhuri, J.)

