

Form J(1)

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

Present :

The Hon'ble Justice Bibek Chaudhuri

IA No: CRAN/1/2022

In

C.R.R. 2418 of 2022

Sri Sandip Agarwal .

Vs.

Smt.Asha Chowdhury

For the petitioner : Md. Apzal Ansari, Adv.

Heard on : 14.11.2022

Judgment On : 14.11.2022.

Bibek Chaudhuri, J.

The petitioner is the husband of the private opposite party. Upon an application under Section 23 of the Protection of Women from Domestic Violence Act, the petitioner was directed to pay monetary allowance at the rate of Rs.15,000/- to the opposite party/wife. The husband preferred an appeal under Section 29 of the said Act before the learned Chief Judge, City Sessions Court at Calcutta. In the said appeal it was specifically pleaded by the petitioner that he works in a private company and earned Rs.7,500/- per month.

Grievance of the petitioner is that the learned Judge without considering the monthly income of the petitioner granted monetary allowance in favour of the opposite party at the rate of Rs.13,000/- per month and allowance of Rs.10,000/- per month for alternative accommodation, total being Rs.23,000/- per month.

It is contended on behalf of the petitioner that the impugned order is arbitrary and suffers from materials irregularity.

I have perused the impugned judgment in Paragraph 39 of the impugned judgment, the learned Judge in the Court of Appeal clearly recorded that the petitioner has been spending huge amount of money through his credit card and it is not possible for a man to spend such huge amount of money with an income of Rs.7,500/- per month.

The learned Advocate for the petitioner submits that the petitioner is running his livelihood being helped by his family and relatives. The learned Judge in the 1st Court of Appeal failed to appreciate that monetary allowance can only be payable from income earned by a particular person. The learned Advocate for the petitioner has also relied on a judgment passed by this Court on 1st September, 2022 in *CRR No.2713 of 2022 (Md. Ashfaque Vs. Ayesha Sultan & Anr.)*.

Having heard the learned Advocate for the petitioner and taking into consideration the scheme of domestic violence, this Court at the outset likes to record that the said act is not a person/individual specific. If a lady is subjected to domestic violence even in her own house by her relations, she is entitled to make appropriate application for necessary relief.

The learned Judge in the Appellate Court considered the monthly expenditure of the petitioner and passed the impugned order. On careful perusal of the order impugned, I do not find any illegality or material irregularity.

The instant revision is, thus, summarily **dismissed**.

(Bibek Chaudhuri, J.)

**Mithun De/
A.R. (Ct).
Sl No.17.**