

05.07.2022
Item No. 29
Ct. No.40
Ali.

CRR 2656 of 2011
Radheshyam Roy
vs.
State of West Bengal & Anr.

Mr. Bidyut Roy,
Mr. Pratick Bose

... for the State

None appears on behalf of the petitioner.

The instant application is filed under Section 397 and 401 read with Section 482 of the Criminal Procedure Code directed against order dated 14th July, 2011 passed by the Additional District & Sessions Judge First Track Court No. 5, Barasat, North 24-Parganas whereby the Order of the Judicial Magistrate 2nd Court at Barasat dated 13.04.2010 was set aside and reversed.

In terms of the impugned Order dated 13.04.2010 filed by the Opposite Party No. 2 against the present petitioner, the learned Judicial Magistrate, 2nd Court at Barasat dismissed the application filed under Section 125 of the Code of Criminal Procedure on the ground that the opposite party No. 2/wife is not entitled to any maintenance.

The impugned Order dated 14.07.2011 passed by the learned Additional District & Sessions Judge First Track Court No. 5, Barasat, North 24-Parganas allowed the revisional application and directed the present petitioner to pay maintenance a sum of Rs.3,000/-per month from 07.07.2015.

On being aggrieved, the instant application is preferred.

Perused the petition as well as the impugned orders.

The petitioner had paying interim maintenance earlier. The Revisional Court considered that the Petitioner did not produce any document of income which compelled the Court to rely on the statement of the wife namely opposite party No. 2 of the present case.

On perusal of the impugned Judgment it appears that it was passed after due appreciating evidences and considering conspectus of circumstances prevailing and presented before Additional Sessions Judge, First Tract Court. There is no glaring error or misapplication of law or perversity which demands interference of this Court.

The instant application, accordingly stands dismissed on merit.

(Sugato Majumdar, J.)