

D/L59
31.10.2022
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C.R.R.2696 of 2021

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973;

Tanusri Banerjee
Versus
Bikash Dipti Banerjee and another

Ms. Devi Priya Mitra,
Mr. Supriyo Ghosh.
...for the petitioner.

Affidavit-of-service filed by the petitioner be kept with the record.

Ms. Devi Priya Mitra, learned advocate, appears on behalf of the petitioner and draws the attention of the Court to the interim order passed by the learned sessions court in the revisional application being Criminal Motion No.95 of 2021. Learned advocate criticizes the orders so passed by the learned Additional Sessions Judge, 1st Court, Serampore, Hooghly wherein the learned sessions court was pleased to reduce the quantum of maintenance so granted by the learned Magistrate without affording any opportunity of the petitioner being heard. Additionally, she submits that till date the petitioner has not received a farthing.

I have perused the order passed by the learned Additional Sessions Judge, 1s Court, Serampore, Hooghly dated 25.11.2021 wherein the learned revisional court was pleased to reduce the quantum of maintenance amount of Rs.20,000/- per

month to Rs.15,000/- per month while disposing of the application for stay. I have taken into account the reasons so assigned by the learned Magistrate and I am of the opinion that as the provisions have been incorporated for preventing vagrancy of the wife and child, learned sessions court ought to have afforded an opportunity prior to passing of the order of reduction of maintenance. In view of the time period which has elapsed in the meantime, I am of the opinion that pendency of the present revisional application before this Court is unwarranted.

So far as the order dated 25.11.2021 is concerned, the order of reducing maintenance from Rs.20,000/- per month to Rs.15,000/- per month is hereby set aside. In case the revisional application has not been disposed of till date, the learned revisional court would dispose of the revisional application by 15th December, 2022. In case the revisional application has already been disposed of, this Court feels that the amount of maintenance granted by the learned Magistrate to the tune of Rs.20,000/- per month would remain in force and any reduction of amount if any passed by the learned sessions court would be deemed to be set aside.

With the aforesaid observations, CRR 2696 of 2021 is disposed of.

Pending 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.

Urgent photostat certified copies of this order, if applied

for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)