

Form J(1)

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

Present :

The Hon'ble Justice Bibek Chaudhuri

C.R.R. 3486 of 2022

Samik Santra

Vs.

Dona Das

**For the petitioner : Mr. Ranabir Roy Chowdhury, Adv.
Mr. Mainak Gupta, Adv.
Mr. Prasun Mukherjee, Adv.
Mr. Kanchan Roy, Adv.
Mr. R.K.Priyanka Devi, Adv.**

For the O.P. : Mr. Santanu Talukdar, Adv.

Heard on : 20.12.2022

Judgment On : 20.12.2022.

Bibek Chaudhuri, J.

Affidavit of service be kept with the record.

Mr. Santanu Talumdar, learned Advocate has entered appearance on behalf of the opposite party/wife.

It is not in dispute that in a case under Section 125 of the Code of Criminal Procedure which was registered as MR Case No.26 of 2019 before the learned Judicial Magistrate, 1st Court at Midnapore, a joint petition for compromise duly signed by both the petitioner/husband and the opposite party/wife was filed and the parties wanted to get the aforesaid maintenance proceeding under Section 125 of the Code of

Criminal Procedure disposed of on the basis of the said joint petition for compromise. By virtue of compromise it is settled that the husband/petitioner would pay monthly maintenance allowance at the rate of Rs.3,000/- per month to the wife/opposite party herein and such amount would be despatched and deposited to the bank account of the present opposite party within seven of each succeeding english calendar month.

The Trial Court was invited to dispose of the application under Section 125 of the Code of Criminal Procedure in terms of the said petition of compromise. The learned Magistrate, 1st Court at Paschim Midnapore disposed of the said proceeding under Section 125 of the Code of Criminal Procedure on the basis of the joint compromise petition but directed the husband/petitioner to pay maintenance at the rate of Rs.3,000/- per month in favour of the opposite party/wife from the date of filing of the case. The present petitioner joins the issue raising the question as to whether the learned Magistrate can pass such order as recorded above while disposing of an application on the basis of a joint petition for compromise.

It is submitted on behalf of the opposite party/wife that the opposite party has no objection if the petitioner is directed to deposit maintenance allowance from the date of decree for divorce on mutual consent, i.e. on 8th June, 2022.

In view of such submission, the impugned order dated 23rd August, 2022 passed in MR Case No.26 of 2019 by the learned Judicial Magistrate, 1st Court at Paschim Midnapore is modified directing the petitioner to pay/deposit maintenance allowance in the bank of the opposite party from the month of June, 2022.

The instant revision is, thus, disposed of.

(Bibek Chaudhuri, J.)

***Mithun De/
A.R. (Ct).
SI No.27.***