

18.07.2022

**CRR 2798 of 2015**

Ct. No. 33

**In Re:-** An application under Sections 401 and 482 of the Code of Criminal Procedure, 1973.

**In the matter of:-** Pinki Harijan @ Biswanath Das ...petitioner

None appears on behalf of the petitioner.

This revisional application has been filed by the petitioner challenging the judgment dated 31.03.2015 passed by the learned Additional Chief Judicial Magistrate, Kandi, Murshidabad granting maintenance to the tune of Rs.5000/- per month to the opposite party no.1 in Misc. Case No.298 of 2009.

The factual matrix of the case is that the opposite party no.1 filed an application before the learned Additional Chief Judicial Magistrate, Kandi, Murshidabad under Section 125 of the Code of Criminal Procedure claiming maintenance for herself. Upon hearing, the learned Court granted maintenance of Rs.5000/- per month in favour of the opposite party no.1.

Being aggrieved by and dissatisfied with the impugned order the petitioner has preferred the present revisional application.

It appears from the impugned judgment that the learned trial court has held that the opposite party no.1 is the wife of the petitioner. Further, it is found that the petitioner is admittedly an employee of Primary Health Centre. Considering the aforesaid aspects, the learned trial Court granted maintenance in favour of the opposite party no.1. Section 125 of the Code as has been enacted to prevent vagrancy and destitution. Moreover, an able bodied person is under obligation to maintain his wife.

In the aforesaid backdrop, the impugned order under challenge does

not call for any interference. Accordingly, the same is affirmed.

The revisional application is thus dismissed.

All connected applications, if any, shall stand disposed of.

Interim order, if any, shall stand vacated.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

**(Bivas Pattanayak, J.)**