

21.04.2022
Sl. No.27.
S.D.

C.R.R. 3157 of 2018

In the matter of : Malay Roy

...Petitioner.

Mr. Mrinal Kanti Biswas
Mr. Suprobhat Bhattacharya

... For the Petitioner.

Mr. Amajit De

...For the O.P.

The petitioner challenged an order dated January 18, 2018, whereby the learned Magistrate granted Rs.3,000/- per month as maintenance under Section 125 of the Code of Criminal Procedure, 1973 to be paid by the petitioner to opposite party no.1.

The learned Magistrate has found that petitioner is a school teacher and he earns about Rs.30,000/- per month as his salary.

The learned advocate appearing for the petitioner challenges the said order on the sole ground that opposite party no.1 is not legally married wife of the petitioner.

He relied upon a judgment reported at **(2005) Cri. L.J. 2141 (Savitaben Somabhai Bhatiya v. State of Gujarat)**.

The learned Magistrate recorded that though in the written objection that point was taken, at the time of hearing

the same was not pressed. The learned Magistrate also recorded that in spite of granting opportunity, the petitioner declined to cross-examine opposite party no.1. The learned Magistrate accordingly proceeded on the basis that opposite party no.1 was the legally married wife of the petitioner.

Since the petitioner, before the learned Magistrate, did not deny the marriage, I am not inclined to allow the petitioner to urge the same in this revisional application.

I do not find any illegality in the order of the learned Magistrate in granting Rs.3,000/- per month as maintenance of opposite party no.1. In my view, the said amount of maintenance is just and reasonable particularly when the petitioner's income is in excess of Rs.30,000/- per month.

The judgment cited at the Bar does not help the petitioner since the marriage in this case was not in dispute.

No interference is called for.

Accordingly, the revisional application CRR 3157 of 2018 is dismissed.

(Kausik Chanda, J.)