

CRR 1652 of 2020

In Re: - An application under Section 401 read with Section 482 of
the Code of Criminal Procedure, 1973.

And

In the matter of: Avijit Gorain @ Avijit Garai @ Abhijit Garai

.... Petitioner

Mr. Sandeep Prasad Shaw,
Ms. Priyanka Gupta,
Ms. Itika Patra,
Mr. Kaushal Kumar Pathak
...for the Petitioner

Mr. Chittapriya Ghosh,
Ms. Priyanka Saha
...for the Opposite Party.

The petitioner impugns an interim order of maintenance of Rs. 5,000/- per month granted in favour of the opposite party no. 1 and Rs. 4,000/- per month for his minor son passed on an application under Sections 14, 17, 18, 19, 20 & 22 of the Protection of Women for Domestic Violence Act, 2005.

Admittedly, the petitioner works as an assistant teacher in a Government-aided primary school. The learned advocate appearing for the petitioner submits that the learned Magistrate in passing the order of maintenance did not take into account the deductions made from the salary of the petitioner and his liabilities.

The order under challenge is an interim order of maintenance. The main application is yet to be heard on merit. I am of the *prima facie* view that the maintenance granted by the learned Magistrate in

the Court below cannot be said to be exorbitant keeping in the mind the price escalation and the standard of living of the parties.

In that view of the matter, this revisional application is disposed of giving a direction upon the learned Magistrate in the Court below to decide the main application for maintenance within a period of six months from date. While disposing of the said application, the learned Magistrate will keep in mind the proposition of law laid down in the case of ***Rajnesh v. Neha, reported at (2021) 2 SCC 324.***

Learned Magistrate in the Court below shall dispose of the matter in the light of the said Supreme Court's judgment without being influenced by the observations made in this revisional application.

Accordingly, CRR 1652 of 2020 is disposed of.

(Kausik Chanda, J.)