

20.09.2023
Serial no. 60
[G.S.D]

CRR 279 of 2022

In the matter of : Pravabati Giri

... .. Petitioner

Mr. Sobhendu Sekhar Roy
Mr. Debapriya Samanta

... For the petitioner

Affidavit-of-service so filed be kept with the record.

Supplementary Affidavit so filed on behalf of the petitioner be also kept with the record.

This revisional application has been preferred against the judgment and order dated 13.10.2017 passed by the Id. JM, 2nd Court, Contai, Purba Medinipur.

The main grievance of the petitioner is that the Id. Magistrate awarded a sum of Rs.4,000/- to the wife and Rs.3,000/- to the minor daughter as maintenance in a proceeding under Section 125 of the Cr.P.C.

The further grievance of the petitioner is that such maintenance was awarded from the date of the judgment. The provisions of section 125 cr.p.c. explicitly states that without any special reasons, the Id. Magistrate or the trial court is not empowered to fix a date except from the the date of filing of the application under section 125 of the Cr.p.c.

The Id. Magistrate in the order dated 13.10.2017 did not specify any reason. In this case, being Misc. Case No. 252 of 2011, there was no interim maintenance, which was directed to be paid to the wife and the minor daughter during the pendency of the proceedings or till the final verdict was awarded on 13.10.2017.

Hence, I direct that the amount of Rs.7,000/- which was directed to be paid to the o.p./husband, should be effective from the date of filing of the application. A part of the order which directed to pay the maintenance amount 'from the date of passing of this judgment' is concerned, is hereby set aside.

With the aforesaid observations, CRR 279 of 2022 is party allowed.

Pending application, if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court at Calcutta.

(Tirthankar Ghosh, J.)