

D/L22
13.09.2023
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C.R.R.583 of 2023

In Re: An application under Sections 397/401 of the Code of Criminal Procedure, 1973, read with Sec.482 of said Code;

Gitanjali Chakraborty
Versus
Rabin Mukherjee

Mr. Uday Sankar Chattopadhyay
Ms. Snigdha Saha
Ms. Trisha Rakshit
Ms. Aiswarya Dutta.
...for the petitioner.

The only point of grievance which has been expressed in the present revisional application which is against an order dated 1st December, 2022 in Misc. Case No.501 of 2018 is that the learned Magistrate has awarded the maintenance amount from the date of the order, i.e. on and from 1st December, 2022 although the application was filed in the year 2018. The accepted position in law is that ordinarily the learned trial court would at the time of granting maintenance award the same from the date of filing of the application until and unless there are any special reasons assigned by the learned Magistrate.

I have perused the order dated 1st December, 2022 and I do not find that the learned Judicial Magistrate, 6th Court, Asansol, Paschim Bardhaman has assigned any reason as to why the maintenance should be awarded from the date of the order and not from the date of filing of the application. Accordingly, the part of the order which relates to awarding maintenance “from the date of this

order” is hereby set aside. Learned Judicial Magistrate, 6th Court, Asansol, Paschim Bardhaman would reconsider the same in the light of the observations made above and the statutory provisions.

With the aforesaid observations, CRR 583 of 2023 is disposed of.

Pending application, if any, is consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)