

19.4.2023
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SB
Ct. No.236

CRR 742 of 2011

In the matter of : Upendra Nath Thakur

Mr. Binay Kr. Panda
Ms. Sima Biswas ... for the State

None is appearing on behalf of the petitioner.

This revisional application challenges the judgement and order dated 28.01.2011 passed by the learned Additional District and Sessions Judge, Fast Track, 2nd Court, Malda in Criminal Revision No. 23 /2010, affirming thereby the judgement and order passed by the learned Judicial Magistrate, 2nd Court, Malda in Case No. 358 M / 2003, which is a proceeding under Section 125 of the Code of Criminal Procedure.

I do not find any reason to adjourn the matter *suo moto*. Considering the age of the proceeding, I am inclined to dispose of the matter on merit based on materials available with the record.

Depicting herself as legally married and neglected wife of Sri Upendra Nath Thakur, Smt. Jyotsna Pramanik (Thakur) filed an application under Section 125 of the Cr.P.C. against her husband stating *inter alia* that after fourteen years of marriage she was driven out of her matrimonial home on 10.3.1991 by her husband, keeping her minor son in his custody. The petitioner wife further stated to have no source of sustenance while her husband being an employee of Indian Railway used to earn a sum of Rs.10,000/- per month but despite having means refused to maintain the lady. The petition was contested by the opposite party

husband. It was the petitioner who had withdrawn herself from the society of her husband without any reasonable cause leaving the minor son. Learned Trial Court after considering the evidence on record was pleased to direct the opposite / husband to pay a sum of Rs.15,00/- per month towards the maintenance of his wife. The said order was challenged before the learned Additional District and Sessions Judge, F.T.C. Malda by filing an application under Sections 397 / 401 of the Cr.P.C. which was dismissed by the learned Trial Court.

Considering the status of the party present day cost of living, I do not find any reason to interfere with the order impugned.

This revisional application does not merit any consideration and is dismissed with costs of Rs.10,000/-.

Let a copy of the order along with lower court record be sent to the learned Trial Court for information and necessary action.

(Siddhartha Roy Chowdhury, J.)