

CRR 998 of 2011

In the matter of : Sri Bablu Bangal

Mr. N. P. Agarwala
Mr. P. Bose ... for the State

None is appearing on behalf of the petitioner.

The criminal revision is pending for more than eleven years wherein the order of interim maintenance has been challenged. I do not find any reason to adjourn the case *suo moto*.

The fact of the case in short is that Smt. Mousumi Bangal, opposite party no. 2 herein filed an application before the learned 1st Court of Judicial Magistrate, Tamluk under Section 125 of the Cr.P.C. claiming maintenance from her husband Sri Bablu Bangal depicting herself as neglected wife of Bablu Bangal who despite having sufficient means is not discharging his obligation towards his wife. Learned Trial Court on 25.11.2009 passed an interim order directing Bablu Bangal to pay a sum of Rs.900/- towards maintenance of his wife and Rs.800/- towards maintenance of her daughter. Bablu Bangal challenged the said order by preferring criminal revision of 38 of 2011 and the learned 2nd Court of Additional Sessions Judge, Tamluk was pleased to dismiss the criminal revision on contest and affirm the order passed by the learned Judicial Magistrate on 25.11.2009. This order has been challenged by preferring this application under consideration.

From the attending facts of the case, relationship between the parties stands admitted. The petitioner being the husband has

incurred the responsibility to maintain his wife as well as his daughter. A plea has been taken that the opposite party no. 2 the wife of the petitioner has sufficient means to maintain herself. This is absolutely the question of fact which can be decided after trial. The impugned order does not suffer from infirmity and does not warrant any interference.

With this observation, the criminal revision is devoid of merit and dismissed with costs of Rs.20,000/-

Let a copy of the order be sent to the learned Trial Court, for information and necessary action.

(Siddhartha Roy Chowdhury, J.)