

05-09-2023
Chanchal
Item no. 92
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 1189 of 2023

Md. Imran
-versus-
Nafisa Zaheen & Anr.

Mr. Ayan Bhattacharyya
Mr. Kunal Ganguly
....for the petitioner.

The revisional application has been preferred against judgment dated 03.03.2023 passed by the learned Additional Sessions Judge, 3rd Court, Asansol, Paschim Bardhaman in Criminal Motion No. 14 of 2022/52 of 2022.

I find from the said order passed by the learned Sessions Court /revisional court had affirmed the order passed by the learned Judicial Magistrate 6th Court, Asansol in connection with Misc. Case No. 737 of 2019.

The amount which was awarded Rs. 10,000/- per month to the wife and Rs. 5000/- per month to the minor child.

Learned advocate appearing for the petitioner submits that he is paying under the provisions of the P.W.D.V. Act, 2005 in respect of maintenance/monitory relief claimed by the same parties (wife and minor daughter). Petitioner is granted liberty to take out an application praying for adjustment before the learned Judicial Magistrate, 6th Court, Asansol. The learned 6th Court Asansol would assess regarding the amount, which has been awarded in the

proceedings under the provisions of P.W.D.V. Act, 2005. There must be adjustment of the amount, which is being paid under the provisions of P.W.D.V. Act, 2005. The higher amount would be paid by the petitioner and, however, the payment must be a single payment and the petitioner should not be compelled to pay in both the cases. In case, learned Magistrate is of the opinion that the higher amount has been passed in the proceedings in connection with Misc. Case No. 737 of 2019, then in that case the petitioner could pay only the said amount, which has been decided in the present case.

With the aforesaid observations, the present revisional application being CRR 1189 of 2023 is disposed of.

Pending applications, if any, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]