

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

CRR 1076 of 2016

Akshoy Kumar Mondal
Vs.
Smt. Radha Rani Mondal & Anr.

Mr. Sumanta Chakraborty
Mr. Sourabh Sundar Shee
... For the petitioner

Ms. Jagriti Bhattacharya
Mr. Abhradip Jha
... For the opposite party no.1

This revisional application has been filed assailing the order of maintenance under Criminal Revision No.12044 of 2014 passed by the learned Additional District Judge, Fast Track Court, Purba Medinipur.

The opposite party no.1/Radha Rani Mondal filed one application under Section 125 of the Code of Criminal Procedure with the allegation of torture and driven out from her matrimonial home before the Court of the Chief Judicial Magistrate, Tamluk, Purba Medinipur, which was subsequently transferred to the learned Judicial Magistrate, 2nd Court, Tamluk, Purba Medinipur. After trial, learned Magistrate passed order refusing maintenance on the ground that the allegation made in the petition under Section 125 of the Code of Criminal Procedure could not be substantiated by any corroborating evidence and the opposite party no.1/wife was found deserted her matrimonial home without any reason and ultimately

opposite party no.1/wife could not prove sufficient reason for residing apart from the petitioner/husband and that is why the maintenance was refused.

Being aggrieved by and dissatisfied with the said judgment passed by the learned Judicial Magistrate, 2nd Court, Tamluk, Purba Medinipur, the opposite party no.1/wife preferred a revisional application before the learned Sessions Judge, Purba Medinipur at Tamluk which was subsequently transferred to the Court of the learned Additional District Judge, Fast Track 2nd Court, Tamluk, Purba Medinipur, for disposal. Learned Judge disposed of that Criminal Revision No.12044 of 2014 holding, inter alia, that there was marital disharmony in between the parties during stay at the residential quarter of the petitioner/husband. The learned Judge considered the separate residences of the parties and also the fact of refusal to maintain the opposite party no.1/wife by the petitioner/husband and awarded maintenance of Rs.10,000/- per month from the date of filing of the application under Section 125 of the Code of Criminal Procedure.

Being aggrieved by and dissatisfied with the said order, this revisional application has been filed before this Court by the petitioner/husband.

In course of hearing, Mr. Sumanta Chakraborty, learned advocate appearing on behalf of the petitioner/husband has submitted that the petitioner/husband is ready to comply with the order of maintenance of Rs.10,000/- per month in terms of the order of the learned Additional District Judge, Fast Track 2nd Court,

Tamluk, Purba Medinipur, passed in connection with the Criminal Revision No.12044 of 2014, from the date of the order passed by the learned Magistrate on 25th June, 2014.

Ms. Jagriti Bhattacharya, learned advocate, appearing on behalf of the opposite party no.1/wife also conceded the submission and proposal made on behalf of the petitioner/husband.

Accordingly, I find no reason to go into the merit of this case as, admittedly, both the parties to this revisional application are residing separately and the petitioner/husband, being an able bodied person, is duty-bound to maintain her wife, i.e., opposite party no.1.

Considering all the aforesaid facts and circumstances of this case, the instant revisional application is disposed of with a direction upon the petitioner/husband to pay the maintenance of Rs.10,000/- to the opposite party no.1/wife from 25th June, 2014.

It is further directed to pay maintenance of Rs.10,000/- per month regularly within fifth day of each succeeding month and also to pay arrear, if any, within three months from the date of this order.

Interim order, if any, stands vacated.

All pending applications, if any, are consequently disposed of.

Department is directed to send back Lower Court Records forthwith.

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

Criminal Section is directed to supply certified copy of this order, if applied for, upon compliance of necessary formalities.

(Bibhas Ranjan De, J.)