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27.03.2023
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C.R.R.1183 of 2021

In Re: An application under Section 401 read with Section 482 of the
Code of Criminal Procedure, 1973;

Sri Amit Jana
Versus
Surashree Jana and others

With

CRR 1184 of 2021

Sri Amit Jana
Versus
Surashree Jana and another

Ms. Anindita Auddy (Das).
...for the petitioner in CRR 1183 of 2021
and CRR 1184 of 2021.

CRR 1183 of 2021 and CRR 1184 of 2021 are disposed of
by a common order in view of the subject matter so involved.

It has been brought to the notice of this Court by the
learned advocate appearing for the petitioner in both the revisional
applications that the earlier order dated 24.06.2021 passed by a co-
ordinate Bench reflects that the order of maintenance passed in the
proceedings under Section 125 of the Code of Criminal Procedure
being M.R. Case No.18 of 2020 wherein Rs.6,000/- per month to
the wife and Rs.4,000/- per month to the minor daughter was
directed to be paid and order of maintenance passed under Section
23 of PWDV Act was directed to be stayed for a period of two weeks.

Record reflects that in the proceedings under PWDV Act
being Misc. Case No.13 of 2020 the learned ACJM, Kharagpur by

his order dated 26.03.2021 was pleased to direct the present petitioner to pay a sum of Rs.6,000/- per month for maintenance to the wife/aggrieved person and Rs.4,000/- per month for the maintenance of the minor daughter.

Having considered that in this particular case the aggregated sum is Rs.10,000/- per month to be paid by the present petitioner in both the proceedings. I direct that the petitioner would pay the aggregated sum in respect of one of the proceedings and so far as the other proceedings are concerned, the same would be deemed to be adjusted.

It has been submitted on behalf of the petitioner that the affidavit-of-assets were not taken into consideration by the learned ACJM, Kharagpur while deciding the quantum of ad interim maintenance.

At this stage, it is directed that if the affidavit-of-assets are placed before the learned ACJM, Kharagpur, the learned ACJM, Kharagpur would take into account the same and invite the parties for evidence in proving the contentions and at the time of final disposal of the case arrive at his finding so far as the quantum is concerned. The learned ACJM, Khargpur is directed to proceed with the trial under the provisions of PWDV Act in accordance with law as the reliefs under Section 125 of the Code of Criminal Procedure and the provisions of PWDV Act are not similar and identical.

The petitioner would be at liberty to agitate any other issues in course of the evidence of the case. Arrears, if any, should be diluted by the petitioner at the earliest opportunity. All efforts

must be taken by the learned trial court to proceed with the trial of the case as early as possible.

Needless to state that this Court has disposed of the revisional applications considering the stage at which it was preferred. However, this Court has not entered into the merits of the case regarding entitlement or non-entitlement of any maintenance or other reliefs appearing in the respective provisions for which the two proceedings have been instituted.

With the aforesaid observations, CRR 1183 of 2021 and CRR 1184 of 2021 are 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.)