

CRR 1345 of 2011

In the matter of : Barun Kumar Das

Mr. Sanat Kr. Das
Mr. Sujan Chatterjee
Mr. S. Sinha ... for the petitioner

Heard Mr. Sinha, learned counsel representing the petitioner.

The petitioner has challenged the order dated 10.2.2011 passed by learned Additional Chief Judicial Magistrate, Khatra, Bankura, in Misc. Case No. 64 of 2010 under Section 125 of Cr.P.C.

It is contended by Mr. Sinha, that learned Trial Court while passing the order of ad interim injunction in a proceeding under Section 125 of the Cr.P.C. did not consider any document to ascertain the income of the husband. Relying upon the verbal submission that the husband of Smt. Silpi Das, Sri Barun Das the opposite party in the proceeding under Section 125 of the Cr.P.C. used to earn Rs. 75,000/- per month, Learned Magistrate passed the impugned order of maintenance. It is an act of surmise and the order warrants interference. Admittedly the parties to be preceding are legally married man and wife. It is contended by Smt. Silpi Das that she does not have any means to maintain herself. The husband has incurred the responsibility to maintain his wife which flows from the factum of marriage as his wife does not have any means to maintain herself.

Under such circumstances, considering the cost of living and status of the parties, I am of the view that impugned order does not warrant any interference.

The criminal revision is dismissed, however, without any order as to costs.

The interim order of stay, if any, stands vacated.

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

(Siddhartha Roy Chowdhury, J.)