

06.06.2023

Item No.6
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 1888 of 2023

**Smt. Sweta Daruka (Halder)
versus
The State of West Bengal & Anr.**

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

Mr. Samiran Mandal,
Mr. Abhinaba Dan

... For the Petitioner.

The grievance of the petitioner is in respect of the order dated 31.03.2023 passed by learned Judicial Magistrate, 3rd Court, Bishnupur, Bankura in Misc. Case No. 1 of 2021 directing the husband/opposite party to pay an amount of Rs.15,000/- per month to the wife/petitioner as interim maintenance.

The learned advocate appearing for the petitioner submits that firstly, the quantum is too low and secondly, so far as the amount which has been awarded, the same has been directed to be paid from the date of the order till disposal of the application. It has been emphasized by the learned advocate for the petitioner that the husband is a person of means with landed properties and such a quantum which has been awarded is a meager amount.

On perusal of the order so passed, I am of the view that so far as the quantum which has been awarded, the same requires evidence to be adduced before the court and the final determination of the rights after the evidence is over would allow the Magistrate to come to a conclusion regarding the

exact quantum which should be awarded. However, I do not find that any special reason has been assigned by the learned Magistrate for awarding such quantum of interim maintenance from the date of the order which is against the statutory provision.

Accordingly, the learned Magistrate is directed that in case, there is absence of any special reason, the said amount of Rs.15,000/- as interim maintenance should be awarded from the date of filing of the application.

The application under Section 125 of the Code of Criminal Procedure was filed in the year 2021. The learned Judicial Magistrate, 3rd Court, Bishnupur, Bankura is directed to fix at least one date in every 60 days so that the trial of the case can be taken to its logical conclusion.

With the aforesaid observations, the revisional application being CRR 1888 of 2023 is disposed of.

Pending connected 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 with all requisite formalities.

(Tirthankar Ghosh, J.)