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12.07.2023
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C.R.R.1918 of 2023

In Re: An application under Section 401 and 482 of the Code of Criminal Procedure, 1973 as amended;

Debleena Dasgupta
Versus
The State of West Bengal

The revisional application was preferred challenging the order dated 24.01.2023 passed by the learned Sessions Judge, 24 Parganas (North) in Criminal Motion No.3 of 2023 in respect of the order dated 09.11.2022 passed by the learned Judicial Magistrate, 2nd Court, Barasat in M. Case No.579 of 2018.

The revisional application appeared on 6th June, 2023. Thereafter, the revisional application has again appeared today.

I have considered the order passed by the learned Judicial Magistrate, 2nd Court, Barasat wherein the learned Judicial Magistrate, 2nd Court was pleased to direct payment of Rs.8,000/- per month towards maintenance allowance of the minor child from the date of the application, that is, from 27.09.2018. Learned sessions court at the stage of admission of the revisional application in Criminal Motion No.3 of 2023 reduced the said amount to a sum of Rs.4,000/- per month and thereafter directed for service upon the opposite party. The main contention in the revisional application before the learned Sessions Judge was that the learned trial court proceeded ex parte. If an application under Section 125 of the Code of Criminal Procedure proceeds ex parte, the statute itself provides a remedy of preferring an application before the learned Judicial

Magistrate for recalling of the order. The observations of the learned Judicial Magistrate reflect that the present petitioner, who is the father of the child, is a marine engineer.

Having regard to the same, I am of the opinion that the order passed by the learned Sessions Judge on 24.01.2023 reducing the quantum of maintenance calls for interference. So far as the quantum of Rs.4,000/- per month as directed by the learned Sessions Judge in Criminal Motion No.3 of 2023, the said part of the order is set aside. Learned Sessions Judge will hear out the revisional application but direct the petitioner in the revisional application to continue to pay the quantum of Rs.8,000/- per month till the disposal of the revisional application.

With the aforesaid observations, CRR 1918 of 2023 is 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.)