

19-04-2023
Subha
Item no.29
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 1668 of 2021

Md. Shariful Islam Malita @ Shariful Islam Malita @ Shariful Islam.
-versus-
State of West Bengal & Ors.

Mrs. Sutapa Banerjee
...for the State.

The grievance of the petitioner is in respect of the judgement and order dated 11.02.2021 passed by the learned Additional Sessions Judge, 3rd Fast Track Court, Berhampore, Murshidabad in Criminal Revision Case No. 120 of 2018.

The subject matter before the learned revisional court/sessions court related to a proceeding under Section 125 of the Code of Criminal Procedure wherein the learned Chief Judicial Magistrate, Murshidabad in M. R. Case No. 1252 of 2015 was pleased to award a sum of Rs.6000/- to the wife and Rs.4000/- to the minor son.

The main thrust of contention of the petitioner is that under Section 3 of the Muslim Women(Protection of Right on Divorce) Act, 1986, the opposite party received reasonable and fair maintenance and as such she is not entitled to get any maintenance under Section 125 of the Code of Criminal Procedure. The learned sessions court on an appreciation of the contentions dismissed the said revisional application.

Having regard to the reasons so assigned particularly in

respect to the object of both the acts being different, I am of the opinion that there is no illegality in the order passed by the revisional court in its judgement and order 11.02.2021 in Criminal Revision Case No. 120 of 2018.

Accordingly, the present revisional application being CRR 1668 of 2021 is dismissed.

All pending applications, if any, are consequently dismissed.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]