

06.12.2023

Sl.No. 23

Ct. 32

Amalranjan

CRR 2216 of 2016

Suresh Chandra Maity

Vs.

Smt. Putul Maity

Nobody appears on behalf of either of the parties on call. Even on earlier occasion, no one represented the petitioner. No accommodation sought for.

This matter is pertains to the year 2016.

The petitioner herein filed this application under Sections 401 /482 of the Code of Criminal Procedure, 1973 being aggrieved with the order dated 6.6.2016 passed by the learned Judicial Magistrate, Haldia thereby the learned Magistrate allowed the interim maintenance and directed the husband to pay a sum of Rs. 700 per month to the petitioner wife and Rs. 800/- per month to her daughter as an interim maintenance with effect from the date of the order i.e. 6.6.2016.

Upon perusal of the record including impugned order, it appears that the opposite party is the married wife of the petitioner and it is an admitted fact that she is a married wife. One girl and male child were born from that wedlocking and now opposite party and daughter are residing separately at her parental house due to matrimonial disputes. It is not that the opposite party wife has her own income to maintain herself and to her daughter. Husband has social obligation and liable to maintain his wife as well as the daughter from

his income subject to certain conditions. The petitioner stated before the court below that his earning was Rs. 4,000/- per month and the petitioner/wife earned around Rs. 10,000/- per month. Though no documentary proof was produced before the learned court below by the petitioner.

However, the petitioner/husband worked in Indian Oil Corporation and earns Rs. 20,000/- per month. In such a situation, I do not find any infirmity or perversity or jurisdictional error in passing the interim order of maintenance during pendency of an application under Section 125 of Cr.P.C.

In these circumstances, I do not find any scope to interfere with the impugned order under challenged.

Accordingly, the revisional application being **CRR 2216 of 2016** is dismissed without order as to costs.

Interim order, if any, stands vacated.

Liberty is granted to all parties to act in terms of the copy of this order downloaded from the official website of this court.

Let the order be communicated to the Ld. Court below for information.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties taking all legal formalities.

(Ajay Kumar Gupta, J.)