

06.12.2023
Sl. No. 26.
Suman
Ct.No.32.

CRR 2228 of 2016

Sukla Roy (Das)
Vs.
Sanjib Roy

Nobody appears on behalf of either of the parties. Even on earlier occasion no one represented the petitioner and no accommodation was sought for. The instant case pertains to year 2016. Accordingly, this is required to be disposed of on merit.

The petitioner being the wife of opposite party filed this instant application under Section 482 of the Code of Criminal Procedure, 1973 feeling aggrieved with the judgment and order dated 30th March, 2016 passed by the learned Sessions Judge, Jalpaiguri in connection with Criminal Revision No. 86 of 2015. Thereby the learned Sessions Judge dismissed the criminal revision filed against the judgment and order dated 31st May, 2015 passed by the learned Judicial Magistrate, 3rd Court, Jalpaiguri in Misc. Case No.104 of 2013

and the Misc. Case filed by the petitioner Smt. Sukla Roy (Das) under Section 125 of the Code of Criminal Procedure whereby rejected the prayer for maintenance on contest.

The District and Sessions Judge dismissed the criminal revision on contest without any order as to cost. The order dated 30th May, 2015 passed by the Judicial Magistrate, 3rd Court, Jalpaiguri in Misc. Case No.104 of 2013 was affirmed on the ground that the wife is not ready to live with her husband. Since the wife refused to have conjugal life without any sufficient reason, the wife is not entitled to get maintenance. I also do not find any sufficient reason as to why she refused to reside with her husband when he is ready to lead conjugal life and maintain her.

Accordingly, I do not find any infirmity or impropriety in the order passed by the Sessions Judge.

Accordingly, **CRR 2228 of 2016** is dismissed without order as to costs.

Interim order, if any, be vacated.

Let the order be sent down to the Court below for information.

Parties shall act on the server copies of this order uploaded on the website of this Court.

Urgent photostat certified copy of this order, if applied for, is to be given as expeditiously to the parties on compliance of all formalities.

(Ajay Kumar Gupta, J.)