

01.09.2023

Item No.5
Ct.No.34
dc.

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

C.R.R. 2758 of 2022

In the matter of : **Mousumi Chakraborty** ... Petitioner.

Earlier this revisional application was called on 14.06.2023 when none appeared on behalf of the petitioner.

Today also when the matter is called, none represented the petitioner.

The subject-matter of challenge is by a lady who is aggrieved by the quantum of interim maintenance which has been granted by the learned Judicial Magistrate, Baruipur in connection with Maintenance Case No. 231 of 2017 under Section 125 of the Code of Criminal Procedure.

I have perused the impugned order dated 07.07.2022 and I find that the interim maintenance was awarded to the tune of Rs.3000/- per month to the wife and Rs.5000/- per month to the minor daughter. Having regard to the fact that the husband/opposite party no.2 is a Sergeant of Kolkata Police, I am of the opinion that the amount of maintenance so awarded is not commensurate with the earnings of the husband. Accordingly, the learned Magistrate in Maintenance Case No. 231 of 2017 is directed to reconsider the interim maintenance on the basis of settled propositions of law that at least 1/4th to 1/3rd of the amount earned by the husband should be considered while granting interim maintenance/maintenance in respect of cases under Section 125 of the Code of Criminal Procedure.

With the aforesaid observations, the revisional application being CRR 2758 of 2022 is partly allowed.

Pending connected application, if any, is consequently disposed of.

Department is directed to communicate this order to the learned Judicial Magistrate, Baruipur who is in seisin of Maintenance Case No. 231 of 2017.

All concerned 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.)