

06.12.2023
Sl.No. 16
Ct. 32
Amalranjan

CRR 2204 of 2015

Sabyasachi Sk.
Vs.
Jahanara Sk. & Anr.

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 pertains to the year 2015 as such it is required to be disposed of on merits.

This application has been filed by the Petitioner/husband under Section 482 read with Section 397/401 of the Code of Criminal Procedure challenging the judgment and order dated 17.03.2015 passed by the learned Additional District & Sessions Judge, Fast Track, 2nd Court, Jangipur, Murshidabad in Criminal Revision No. 295 of 2014 thereby the learned Additional District & Sessions Judge enhanced the maintenance amount to the tune of Rs. 5000/- per month in stead of Rs. 2,500/- per month as allowed by the learned Judicial Magistrate, Jangipur, Murshidabad in M.R. Case No. 431 of 2009 under Section 125 of the Cr.P.C in favour of the wife from the date of application.

It appears from the judgment and order passed by the learned Additional District & Sessions Judge, a revisional application was filed by the opposite party/wife challenging the judgment and order passed by the learned Judicial

Magistrate, Jangipur, Murshidabad on 17.9.2014 in M.R. Case no. 431/2009 under Section 125 of Criminal Procedure Code thereby the learned Judicial Magistrate, 1st Court, Jangipur, Murshidabad granted maintenance allowance to the tune of Rs. 2,500/- per month from the date of filing that is 14.09.2009 with a further direction to pay the said maintenance allowance within 10th day of each succeeding month and also to liquidate the arrear maintenance allowance in ten months from the date of the order.

Upon hearing the parties, learned Additional District & Sessions Judge, Fast Track, 2nd Court, Jangipur, enhancing the amount to the tune of Rs. 5,000/- from 14.9.2009 and further directed to pay the arrear maintenance at the rate of Rs. 1,000/- per month along with current maintenance till the liquidation of arrear maintenance.

Upon perusal of the entire judgment and order, I do not find any jurisdictional error or perversity in the order passed by the learned Additional District & Sessions Judge, Fast Track, 2nd Court, Jangipur, Murshidabad because it is an admitted fact that the opposite party no. 2 is the wife of the petitioner. Being a husband, he has obligation to maintain her and liable to pay the maintenance amount under Section 125 of the Cr.P.C if fulfilled all the conditions as stipulated in the said Section. Conditions as mentioned in the said section are fulfilled in the case in hand.

In the said judgment and order the learned court observed that the petitioner/husband intentionally concealed

his own income only to avoid payment of the actual maintenance to the petitioner's wife. It is pertinent to mention that the wife does not have her own income to maintain herself. Learned court below presumed that the income of the husband as claimed in the application when he suppressed his actual own income by presuming that he earned handsome amount as claimed by the petitioner's wife.

I do not find any scope to interfere with the order passed by the learned Additional District & Sessions Judge, Fast Track, 2nd Court, Jangipur, Murshidabad.

Accordingly, the revisional application being **CRR 2204 of 2015** 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 after observing all legal formalities.

(Ajay Kumar Gupta, J.)