

14-06-2023
Subha
Item no.43
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 2780 of 2022

Sk. HaiderAli
-versus-
Jahanara Bibi & Anr.

Mr. Ramashis Mukherjee
Mr. Rameshwar Sinha
.... ..for the petitioners.

Liberty is granted to amend the cause title and incorporate the subject matter of challenge relating to the order passed by the learned Sessions Judge in Criminal Motion No. 143 of 2022.

I have considered the submissions advanced by the learned advocate for the petitioner in respect of sub-section (4) of Section 125 of the Code of Criminal Procedure relating to the factum of the plea taken by the wife who left voluntarily. However, both the courts below have considered such factual circumstances and as such, there is no apparent error on the face of the records that this court should reconsider the said factum.

Learned Magistrate in connection with Case No. A.C.M 561 of 2020 under section 125 of the Code of Criminal Procedure granted interim maintenance of Rs.4000/- per month. The same was interfered with the learned Sessions court while exercising its revisional jurisdiction in Criminal Motion No. 143 of 2022 and modified to a sum of Rs.2500/- per month.

Having regard to the factual circumstances considered by both the courts below, I am not inclined to further interfere regarding the merits as well as the amount of award/quantum of maintenance.

Petitioner would be at liberty to bring in facts in course of evidence for

interference by the learned trial court at the final stage of the arguments of the case.

With the aforesaid observations, the present revisional application being CRR 2780 of 2022 is disposed of.

. Pending any other applications are disposed of.

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]