

30-06-2023
Subha
Item no. 03
Ct no.34

*IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction*

**CRR 3251 of 2022
with
CRAN 3 of 2023**

***Sri Prasanta Bhattacharya @ Proshanta Bhattachariya.
-versus-
The State of West Bengal & Anr.***

Ms Punam Basu
Ms. Pritha Biswas
....for the petitioner.

Mr. Surajit Basu
Mr. Mahim Sasmal
Mr. Samudrda Nil Sarkar
Mr. Kalyan Kumar Chakraborty
....for the O. P. No.2.

Mr. Rudradipta Nandy
Ms. Manisha Sharma
...for the State.

In this revisional application records reflect that in a proceeding under Section 125 of the Code of Criminal Procedure being Misc. Case No. 117 of 2011. The learned Magistrate, 3rd Court, Katwa passed a direction upon the husband to pay a sum of Rs.7000/- as maintenance. In Misc. Case No. 24 of 2012 which is a proceeding under the provisions of P.W.D.V Act, 2005, the learned Judicial Magistrate, 3rd court, Katwa was pleased to direct maintenance at the rate of Rs.4000/- per month to be paid to the wife and a sum of Rs.5000/- be paid to the petitioner by the opposite party as compensation.

In view of the settled proposition of law, the higher amount which is given in respect of any of the proceedings is to be paid to

the wife and so far as the other case is concerned it would be deemed to be adjusted with the case in which it is paid.

In view of the amounts which are reflecting from the records of the case, Rs.7000/- being the higher amount passed in the proceedings under Section 125 of the Code of Criminal Procedure in Misc. Case No. 117 of 2011, the same should be the quantum which should be paid to the wife in each and every month. So far as the compensation is concerned in P.W.D.V Act, 2005, the same is a one time which should be cleared to the wife. Accordingly, the petitioner would be entitled to claim before the P.W.D.V court the adjustment in respect of the payment made in the proceedings under Section 125 of the Code of Criminal Procedure.

Learned advocate for the opposite party submits that there are arrears remaining. Learned Magistrate in seisin of the execution case would provide installments so that the arrears in respect of the maintenance are cleared at the earlier opportunity.

With the aforesaid observations, the present revisional application being CRR 3251 of 2022 along with the connected application being CRAN 3 of 2023 is disposed of.

Pending applications, if any, are consequently 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.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

[Tirthankar Ghosh, J]

