

14.09.2023

SL. 19
Court No. 34
Sourav/
Suvayan

C.R.R. 3312 of 2022

In re: An application for Criminal Revision Under Section 482 of the Code of Criminal Procedure, 1973.

In the matter of: **Debarati Das**

Mr. Chittaranjan Chakrabarty
Mr. Sumit Banerjee

...for the petitioner.

The grievance of the petitioner is in connection with ACM Case No. 643 of 2019 which was pending before the learned Judicial Magistrate, 8th Court at Alipore is that the learned Magistrate while allowing the application under Section 125 of the Code of Criminal Procedure gave effect to such order of maintenance from the date of passing of the order.

I have perused the order dated 20.07.2022 and I find that the quantum of Rs. 8,000/- was directed to be paid from the date of the order. In view of the settled proposition of law that until and unless special reasons are assigned, the learned Magistrate is duty bound to give effect to such order from the date of filing of the application. In this case, if no interim maintenance was granted in favour of the petitioner, learned Magistrate is directed to give effect to such order dated 20.07.2022 in respect of the maintenance of Rs. 8,000/- awarded from the date of filing of the application under Section 125 of the Code of Criminal Procedure.

So far as the second prayer is concerned in respect of enhancement, the petitioner would be at liberty to take out an

application under Section 127 of the Code of Criminal Procedure by way of which some more materials be placed for ascertaining regarding the capacity of the husband/opposite party as also the requirement and need for such excess amount which may be commensurate both with the earnings of the husband as well as status and spending capacity of the wife.

Mr. Chakraborty submits that till date he has not been paid a farthing. In case an execution application is filed before the learned Judicial Magistrate, 8th Court, Alipore.

The learned Magistrate will give effect to such order and fix date reasonably so that the opposite party may be compelled to pay the regular amount as well as arrears.

With the aforesaid observations, the present revisional application being **CRR 3312 of 2022** is disposed of.

Pending applications, if any, 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.)

