

IN THE HIGH COURT AT CALCUTTA

(Criminal Revisional Jurisdiction)

APPELLATE SIDE

Present:

The Hon'ble Justice Shampa Dutt (Paul)

CRR 2748 of 2019

Sri Alope Sinha

Vs

Smt. Sutripta Mondal (Sinha) & Anr.

For the Petitioner : Mr. A. Bhattacharya.

For the Opposite Party No. 1 : Mr. Arijit Dey.

For the State : None.

Heard on : 18.04.2023

Judgment on : 10.05.2023

Shampa Dutt (Paul), J.:

1. The present revision has been preferred against the Judgment and Order dated 16.08.2019 passed by the Learned Additional Sessions Judge, 4th Court, Paschim Medinipur dismissing Criminal Revision No. 614 of 2018 [Aloke Sinha –Vs- Smt. Sutripta Mondal (Sinha)] and affirming thereby the order dated 14.09.2018 passed by the Learned Judicial Magistrate, 2nd Court, Paschim Medinipur in Misc. Case No. 184 of 2018 [Smt. Sutripta Mondal (Sinha) –Vs- Sri Aloke Sinha & 2 Ors].
2. The petitioner's case is that he was married to the Opposite Party No.1 on 01.05.2007. The Opposite Party No. 1 initiated a Matrimonial Suit being no. 300 of 2018 under Section 13 of the Hindu Marriage Act praying for a decree of divorce, alleging torture by the petitioner and his family. The parties have two children, (twins).
3. The said petition under Section 13 of the Hindu Marriage Act contained the following contention:-
 - a) The marriage of the parties was solemnized on 01.05.2007.
 - b) Out of the wedlock of the parties, twin babies were born on 12.09.2011 at Midnapore Spandan Hospital.
 - c) The respondent/husband was employed in a private company and thereafter he lost his job.

d) **That prior to the marriage of the parties/the opposite party no. 1/wife she was working as Part Time Teacher at Dantan Bhattar College, since August, 2006.**

4. The Opposite Party No.1/Wife herein obtained an interim order of maintenance in a proceedings being Misc. Case No. 184 of 2018 under Section 23 of the Domestic Violence Act, **wherein only the two children were granted interim maintenance of Rs. 7000/- each. The wife/Opposite Party No.1 here was not granted any interim maintenance.**
5. **On appeal under Section 29 of the act, being criminal revision (treated as appeal) No. 614 of 2018 by the petitioner before the Learned Additional Sessions Judge, 4th Court Medinipur, the interim order of the Learned Magistrate was affirmed, with a direction for final disposal of the Misc. Case 184/2018 with in a time frame.**
6. Hence the Revision.
7. On perusal of the materials on record and the judgments and orders in revision and under reference, it is seen that the Learned Magistrate has passed an interim order of maintenance only in respect of the children but not to the wife. The appellant court has directed final disposal of the case without interfering with the interim order.
8. The guidelines of the Supreme Court in ***Rajnesh Vs Neha and Anr., Criminal Appeal No. 730 of 2020 (Arising out of SLP (Crl.) No. 9503 of***

2018), on 04.11.2020, is to be followed when deciding a case under these acts.

9. This Court finds that the order dated 16.08.2019 passed by the Learned Additional Sessions Judge, 4th Court, Paschim Medinipur dismissing Criminal Revision No. 614 of 2018 [Aloke Sinha –Vs- Smt. Sutripta Mondal (Sinha)] and affirming thereby the order dated 14.09.2018 passed by the Learned Judicial Magistrate, 2nd Court, Paschim Medinipur in Misc. Case No. 184 of 2018 [Smt. Sutripta Mondal (Sinha) –Vs- Sri Aloke Sinha & 2 Ors] is in accordance with law and thus requires no interference.
10. **The Trial Court while disposing of the Misc. Case finally will follow the guidelines of the Supreme Court in *Rajnesh Vs Neha and Anr. (Supra)* including permitting the parties to file affidavit of assets and liabilities and make all endeavour to dispose of the case expeditiously.**
11. **CRR No. 2748 of 2019 is accordingly dismissed.**
12. There will be no order as to costs.
13. All connected Applications stand disposed of.
14. Interim order if any stands vacated.
15. Copy of this judgment be sent to the learned Trial Court forthwith for necessary compliance.
16. Urgent certified website copy of this judgment, if applied for, be supplied expeditiously after complying with all, necessary legal formalities.

(Shampa Dutt (Paul), J.)