

31.08.2023

Item No.16
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 3272 of 2023

In the matter of : **Dewan Mohammad Mostafa Shamim**
... Petitioner.

Mr. Md. Yunush Mondal,
Mr. Pronojit Roy ... For the Petitioner.

The petitioner has preferred the instant revisional application challenging the order dated 27.04.2023 passed in M. Case No. 76 of 2018 under Section 125 of the Code of Criminal Procedure. The learned advocate appearing for the petitioner has drawn the attention of the Court to the complaint case No. 249 of 2018 which is under the relevant provisions of the Protection of Women from Domestic Violence Act.

The present petitioner is paying a sum of Rs.30,000/- per month towards monetary relief. In the present case being M. Case No. 76 of 2018, the learned Judicial Magistrate, 1st Court, Barasat has granted interim maintenance of Rs.20,000/- per month to the wife and Rs.10,000/- per month to the minor daughter which also aggregates to a sum of Rs.30,000/- per month. It is not clear from the order that the amount of Rs.30,000/- which is being paid by the petitioner under the Protection of Women from Domestic Violence Act , 2005 is under what category. If it is for the purposes of monetary relief and is paid to both the parties i.e. the wife and the minor daughter, the same is to be adjusted with the amount of maintenance which is being awarded in

M. Case No. 76 of 2018. Under the provisions of the Protection of Women from Domestic Violence Act, there are different categories by way of which reliefs may be prayed for. It is specifically stated that if the said amount of Rs.30,000/- is paid either towards maintenance or monetary reliefs, the same would be adjusted along with the amount which has been awarded in the present case. The learned Magistrate will not insist in respect of payment in both the cases towards maintenance.

With the aforesaid observations, the revisional application being CRR 3272 of 2023 is disposed of.

Pending connected application, if any, is consequently disposed of.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)