

16.1.2023

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CRR 3402 OF 2010

In Re: - An application under Section 401 read with Section 482 of the Code of Criminal Procedure.

And

In the matter of: **Dhruba Dey**

....Petitioner

Mr. Narayan Prasad Agarwala
Mr. Pratik Bose.

...For the State

Mr. P. P. Dasgupta

....For the Private Respondent
No.2

None appears for the petitioner.

Having perused the material available before the Court I find that the petitioner has challenged the propriety and legality of the judgment and order passed by a learned Additional District and Sessions Judge, Fast Track Court No.II in **Criminal Appeal No.79 of 2009** affirming the order of the learned Metropolitan Magistrate, 10th Court, Calcutta passed in **Case No. C/439 of 2008** under Section 12 of the **Protection of Women from Domestic Violence Act, 2005**.

Heard Mr. Dasgupta, learned advocate representing the private respondent no.2 being appointed by the Calcutta High Court Legal Services Committee.

From the attending facts of the case I find that at the behest of the opposite party no.2, learned A.C.J.M., Barrackpur was pleased to pass an order under Section 125 of the Code of Criminal Procedure granting maintenance to the tune of Rs.1200/- (Rupees

twelve hundred only) per month and taking into consideration the said order passed in the proceeding under Section 125 of the Code of Criminal Procedure, learned Metropolitan Magistrate, 10th Court was pleased to grant a sum of Rs.10,000/-(Rupees ten thousand only) as one time compensation to the opposite party no.2 which was found to be justified by the learned appellate court.

Considering the nature of the proceeding, status of the parties and cost of living, I do not find any reason to interfere with the order otherwise was passed without causing any infraction as to the jurisdiction.

Mr. Dasgupta further submits that the marital knot between the parties has been dissolved by a decree of divorce.

Be that at it may, the criminal revision, in my opinion, is bereft of any merit and is dismissed, without any order as to costs.

Application, if any, also stands dismissed.

(Siddhartha Roy Chowdhury, J.)