

D/L38
02.02.2024
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C.R.R.246 of 2024

In Re: An application under Section 397 and 401 read with Section 482 of the Code of Criminal Procedure, 1973;

Sri Animesh Sahana
Versus
Smt. Manashi Sahana (Mondal)

Mr. Dibyendu Nandi.
...for the petitioner.

Petitioner challenges the interim maintenance order being passed by the learned ACJM, Khatra, Bankura in Misc. Case No.93 of 2022 wherein in a proceeding under Section 125 of the Code of Criminal Procedure, the learned Magistrate was pleased to award a sum of Rs.10,000/- per month, as interim maintenance.

Learned advocate appearing for the petitioner submits that there was suppression in the facts by the wife/opposite party that she is earning around Rs.30,000/- per month or more than that as a school teacher of a particular school. Learned Magistrate while awarding the maintenance relied upon the factum that the husband is employed as an assistant professor of a particular college and is entitled to total emoluments of Rs.82,000/- per month.

It has been argued on behalf of the petitioner/husband that as there was suppression in the affidavit of assets and liabilities submitted by the wife and it was only pointed out by the husband in course of hearing of the interim maintenance, the amount of earning of the wife do not entitle her to invoke the provisions of Section 125 of the Code of Criminal Procedure. The

same is a subject of a trial as a question of fact is involved as the factum of suppression so expressed by the husband is subject to proof in course of the trial.

Accordingly, I grant liberty to the petitioner to take up all the issues canvassed in the present revisional application in course of the trial. Learned trial court would fix at least one date in a month for the purposes of Section 125 of the Code of Criminal Procedure so that the trial of the case can be taken to its logical conclusion within a reasonable period of time. No unnecessary adjournment should be granted to either of the parties. All efforts be taken to conclude the trial at the earliest.

With the aforesaid observations, CRR 246 of 2024 is disposed of.

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

All 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 of all requisite formalities.

(Tirthankar Ghosh, J.)