

CRR 699 of 2018

In the matter of : **Piu Ghosh @ Majumder**

... Petitioner

Nobody appears on behalf of either of the parties on call.

Even on earlier occasion no one represented the petitioner. No accommodation is sought for.

This case pertains to the year 2018. The record is taken up for the purpose of disposal of this case on merits to avoid further delay.

The facts of the instant case is that the petitioner being the wife of opposite party filed an application under Section 125 of the Code of Criminal Procedure for her maintenance with an allegation that she was married to the opposite party on 5th June, 2013 under the Hindu Rights and Customs. But she was subjected to torture for the demand of dowry and ultimately she was driven out from her matrimonial house on 7th June, 2014. Accordingly, she prayed for maintenance for herself to the tune of Rs.10,000/- per month and Rs.20,000/- as litigation cost against the opposite party, since she has no income to maintain herself and her husband has refused to maintain her. After hearing the said application, the learned Judicial Magistrate, 5th Court at Burdwan allowed the prayer for interim maintenance by an order dated 28th May, 2017 and directed the opposite party/husband to pay an interim maintenance to the tune of Rs.2500/- per month.

Feeling aggrieved with the said interim maintenance the opposite party had challenged the impugned order date 28th May, 2017 before the learned Sessions Judge at Burdwan. The same was registered as Criminal Motion No. 84 of 2017 under Section 397/399 of the Code of Criminal Procedure, 1973.

The matter was come up before the learned Additional Sessions Judge on 15th March, 2018 and after hearing the learned Sessions Judge has modified the order of interim maintenance and directed the opposite party/husband to pay a sum of Rs. 2000/- per month instead of Rs.2500/-. That order has been challenged before this Court under Section 482 read with Section 401 of the Cr.P.C. Under such circumstances, the instant application has come up before this Court for disposal.

However, no one turned up to represent either of the parties. The case is pending since 2018. Upon perusal of the application and annexure thereto, this Court finds that the petitioner and the opposite party are the wife and husband and their marriage was solemnised on 5th June, 2013 according to Hindu rites and customs. She was finally driven out from the matrimonial house due to some matrimonial dispute between the parties. She has filed an application for maintenance and in such maintenance application an interim order was passed by the learned Court below. The said order was assailed and after hearing the parties, the learned Additional District and Sessions Judge, reduced the maintenance to the tune of Rs.2000/- per month in place of Rs.2500/-considering the entire facts and earnings of the opposite party as well as liability. That order was only with regard to the interim maintenance.

Under such circumstances, this Court do not find any sufficient reason or grounds to interfere with the said order passed by the learned District and Sessions Judge. It does not appear any

infirmity, perversity or any jurisdictional error in law. Accordingly, the instant application is devoid of merit which is required to be dismissed.

Accordingly, **CRR 699 of 2018** is **dismissed**.

Let a copy of this order be communicated to the learned Court below for information.

All concerned parties are to act in terms of a 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 after observing all legal formalities.

(Ajay Kumar Gupta, J.)