

25.04.2024
Serial no.16
Aloke
Ct. No. 30

CRR 2395 of 2019

**Md. Waheedur Rahaman
Vs.
The State of West Bengal & Anr.**

Mr. Imtiaz Ahmed
Ms. Ghazala Firdaus
Mr. Younus Mondal
Mr. Sk.Saidullah
Mr. Mithun Mondal
Mr. Md. Arsalan
... for the petitioner

Affidavit-of-service is filed showing due service. In spite of due service there is no representation on behalf of the opposite parties.

The present revisional application has been preferred against an order being No. 2 dated 18.07.2019 passed by the learned Chief Judge, City Sessions Court, Calcutta, in Criminal Appeal No. 154 of 2019.

By the said order the learned Chief Judge, City Sessions Court, Calcutta, has been pleased to dismiss the appeal at the time of admission.

It is submitted by the learned counsel for the petitioner that he is ready and willing to let his wife stay in his own house but he shall not be able to pay a sum of Rs.5,000/- granted by the Trial Court in respect of alternative accommodation.

It is further submitted that a sum of Rs.6,000/- as monetary relief is being paid by the petitioner to his wife as directed by the Trial Court.

From the order of the learned Metropolitan Magistrate against which the appeal was preferred, it appears that the learned Magistrate has specifically directed that the petitioner has every right to live in her house, situated at Budge Budge and the respondents are directed not to evict the petitioner there from illegally **or** by force **or** respondent no. 1 is directed to provide alternative arrangements to the petitioner of the same level, considering the safety and security of the petitioner and her minor daughter in terms of section 17 of the said Act **or** to provide a sum of Rs.5,000/- apart from the maintenance amount as rent for alternative accommodation.

As such this Court finds that an option has been clearly provided to the petitioner/husband that if he does not disturb the wife's right of residence in the house at Budge Budge, the petitioner need not pay the rent for alternative accommodation.

Considering the said direction of the Trial Court, this Court finds no reason to interfere with the said order which is in accordance with law and thus stands affirmed.

The present revisional application is accordingly disposed of.

All connected applications, if any, stand disposed of.

Interim order, if any, stands vacated.

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

(Shampa Dutt (Paul), J.)