

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

03.10.2024
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C.R.R. No. 3538 of 2024

In Re : Maulana Abdul Raufpetitioner

Mr. Mukteswar Maity
Ms. Manika Sarkar

..... for the petitioner

1. Learned Counsel for the petitioner submits learned Magistrate erred-in-law in directing payment of arrear of interim monetary relief i.e Rs.1,14,000/- without considering the application under Section 25(2) of the Protection of Women from Domestic Violence Act.

2. We have considered the materials on record. Modification order of interim relief was passed. Petitioner had approached this earlier in CRR 4000 of 2022. In the said proceeding petitioner pleaded opposite party had married and his daughter attained majority. In view of the aforesaid, Hon'ble Single Judge gave liberty to the petitioner to prefer application for modification of monetary relief under Section 25(2) of the Protection of Women from Domestic Violence Act. The Hon'ble Single Judge also directed the said application, if filed, be disposed of by 10th May, 2024 and petitioner shall pay maintenance at the rate of Rs.15,000/- per month for the months of February, 2024, March, 2024 and April, 2024. Order-sheet of the learned Magistrate is placed on record.

Perusing the order-sheet it appears petitioner after making payment of two monthly instalments in the months of February, 2024 and March, 2024, did not appear and warrant of arrest was issued. Subsequently, he deposited another sum of Rs.30,000/- in June, 2024.

3. In the light of the aforesaid facts it cannot be said that the petitioner had conducted himself strictly in terms of the liberty granted by this Court in CRR 4000 of 2022. After payment of two instalments he absconded and did not participate in the proceeding. This prompted the learned Magistrate to issue warrant of arrest. Thereafter he appeared and paid another installment of Rs.30,000/-.

4. Mr. Maity, learned Counsel strongly argued application for modification of the maintenance allowance has not yet been considered. Petitioner is to be blamed for the delay. He did not participate in the proceeding since March, 2024.

5. Under such circumstances, I give a last opportunity to the petitioner and direct the learned Magistrate to consider the application for modification of the maintenance allowance, if not already been, within two months from the date of communication of this order.

6. With this direction, the revisional application is disposed of.

7. Urgent photostat certified copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Joymalya Bagchi, J.)