

Item No. 22
06.12.2024.
ap

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

C.R.R. No. 3337 of 2018

**Dipti Roy
Versus
The State of West Bengal & Anr.**

Mr. Amal Krishna Samanta,
Mr. Arun Kumar Das.

...For the petitioner.

1. None appears on behalf of the opposite party no. 2, despite service.
2. By filing this Criminal Revisional application, the petitioner being the wife of the opposite party no. 2, has challenged the impugned order dated 24th August, 2018 passed by the Learned Additional District & Sessions Judge, 2nd Fast Track Court, Tamluk, Purba Medinipur in connection with Criminal Revision No. 21 of 2018 arising out of an order dated 17th January, 2018 passed by the Learned Judicial Magistrate, 3rd Court, Tamluk in Misc. Case No. 408 of 2015, whereby the Learned Sessions Judge, 2nd Fast Track Court, Tamluk modified the quantum of interim maintenance passed by the Learned Judicial Magistrate, 3rd Court, Tamluk to the extent of Rs. 3,000/- per month in favour of the petitioner and Rs. 2,000/- per month for her major unmarried daughter instead of Rs. 5,000/- and Rs. 3,000/- respectively per month till the disposal of that maintenance application.

3. The opposite party no. 2/husband was also directed to pay total sum of Rs. 5,000/- per month with effect from date of passing of the interim maintenance order by the Learned Magistrate i.e. from 17th January, 2018 month by month, by the 7th day of each succeeding month, according to English calendar month.

4. Being aggrieved by the said impugned order, the present petitioner/wife filed this Criminal Revisional application contending therein that the opposite party no. 2 has valuable properties and he is earning a sum of Rs. 30,000/- per month from his business. As such, the interim maintenance may be enhanced or the order passed by the Learned Judicial Magistrate, 3rd Court, Tamluk may be affirmed after setting aside the order of the Learned Sessions Judge.

5. Considering the submissions and perusal of the records as well as the judgment passed by the Learned Sessions Judge, 2nd Fast Track Court, Purba Medinipur at Tamluk, this Court finds the petitioner is a legally married wife and her daughter is a legitimate child of the opposite party no. 2, who is now major but unmarried. Both are entitled to get maintenance since there was some matrimonial discord between the petitioner and her husband and she is residing separately with her daughter subject to condition that she has no her own income to maintain herself and her daughter.

6. It appears from the impugned judgment that she is unable to produce any document to support her contention with regard to actual income of her husband.

7. However, it is an admitted fact that the petitioner herein is a casual labour under Tamluk Municipality and she earns to some extent therefrom.

8. Considering the above facts and circumstances of the case, this Court finds that the Learned Sessions Judge, 2nd Fast Track Court, Purba Medinipur at Tamluk has rightly reduced the interim order of maintenance. There is no error apparent on the face of the order impugned. I do not find any reason to interfere with the impugned order. Accordingly, the same is confirmed.

9. Consequently, the instant Criminal Revisional application being **CRR No. 3337 of 2018** is, thus, disposed of with the above order.

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

(Ajay Kumar Gupta, J.)