

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

CRR 3337 of 2012
with
IA No. CRAN 1 of 2012 (Old No. CRAN 3104 of 2012)

Ajay Debabrata Swain
Vs.
Smt. Somdatta Swain

Mr. Chiranjit Chatterjee
... For the petitioner

Mr. Ritwik Pattanayak
... For the opposite party

1. Parties are presented by their respective learned advocates.

2. In view of such, personal appearances of the parties to the instant revisional application are not at all necessary and, therefore, their personal appearances are dispensed with.

3. By filing the instant petition under Section 482 of the Code of Criminal Procedure, the petitioner/husband has sought to quash the judgment and order dated January 30, 2012 passed by the learned Additional Chief Judicial Magistrate, Jhargram in MR Case No.73 of 2005 in a proceeding under Section 125 of the Code of Criminal Procedure.

4. By the impugned judgment, the learned Trial Court directed the petitioner/husband to pay a sum of Rs.6,000/- per month towards the monthly maintenance of his wife and daughter.

5. It appears to this Court that a final order passed in a proceeding under Section 125 of the Code of Criminal Procedure is reversible one. It further appears to this Court that no occasion arises at all for entertaining the instant application under Section 482 of the Code of Criminal Procedure to quash the impugned judgment since a judgment has been passed upon consideration of the evidence adduced by both the parties by the learned Trial Court. Admittedly, the legality, propriety and correctness of the order cannot be challenged in a proceeding under Section 482 of the Code of Criminal Procedure unless it is shown that the impugned judgment is of such a nature that in the event the same is allowed to stand, the same would cause serious miscarriage of justice.

6. In view of such, this Court finds no reason to interfere with the order impugned.

7. Accordingly, CRR 3337 of 2012 is dismissed along with all interim applications, if there be any.

8. Interim order, if there be any, stands vacated.

9. Criminal Section is directed to supply certified copy of this order, if applied for, upon compliance of necessary formalities.

(Partha Sarathi Sen, J.)