

**05.01.2024
Item No.54
BR**

CRR 4319 of 2022

**In the matter of : Arunabha Acharya
...petitioner**

**Mr. Krishan Roy,
Mr. Sekhar Mukherjee,
Mr. S. Mohta
.... for the petitioner**

**Mr. S. Ahmed,
Mr. Amit Kumar Banerjee,
Ms. Suman Biswas
... for the opposite party**

Petitioner being the husband of opposite party no. 2 filed this revisional application under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of proceeding being Misc. Case No. 29 of 2021 filed under Section 125 of the Cr. P.C. Pending before the learned Judicial Magistrate, 7th Court, Asansol, Paschim Burdwan as well as praying for setting aside the order dated 29.9.2022 passed by the learned Judicial Magistrate, 7th Court, Asansol in the said Misc. Case No. 29 of 2021 thereby the learned Magistrate allowed the prayer of

the petitioner in part and allowed the sum of Rs. 10,000/- per month for herself as interim maintenance from the date of filing of the case that is on and from 11.1.2021 till disposal of the main application. It was further directed to pay the said maintenance amount by 15th day of every month but at the same it was observed by Learned Judicial Magistrate in penultimate paragraph that admittedly, the petitioner has sufficient income to maintain herself as such this Court is not inclined to pass any order of interim maintenance for the petitioner at this stage. As such order itself is contradictory one and such order has no leg to stand in the eye of law.

Accordingly, the impugned order dated 29.9.2022 is hereby set aside. However, the learned is requested to decide afresh the application for interim maintenance within one month from the next date fixed without granting any unnecessary adjournment to either of the parties.

Accordingly, **CRR 4319 of 2022** is disposed of with above observation. No order as to costs.

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

Urgent xerox certified copy of this order , if applied for be given to the learned advocate for the parties on usual undertakings.

(Ajay Kumar Gupta , J.)