

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

Present:

The Hon'ble Justice Ajay Kumar Gupta

**C.R.R. 3976 of 2017
With
CRAN 1/2018 (Old CRAN 646/2018)**

**Sri Sandip Kumar Rit
Versus
Soma Rit and another**

Heard on : 18.04.2024

Judgment on : 18.04.2024

Ajay Kumar Gupta, J:

1. Nobody appears on behalf of either of the parties on call.

2. This instant revisional application under Section 401 read with Section 482 of the Code of Criminal

Procedure, 1973 has been filed by the petitioner/husband challenging the correctness, legality and propriety of order dated 11.8.2017 passed by the learned Additional Chief Judicial Magistrate in connection with Misc. Case No. 265 of 2017, thereby the learned Magistrate directed the petitioner to pay interim maintenance to the tune of Rs. 8,000/- per month to his wife and a sum of Rs. 7,000/- per month to his unmarried daughter.

3. The relevant facts are necessary for the purpose of disposal of this case as under:

3a. The opposite party is a legally married wife of the petitioner and their marriage was solemnised at Durgapur on 26.02.2000 according to Hindu Rites and Customs. Subsequently, the said marriage was registered under the Hindu Marriage Act, 1955. Out of said wedlock, one girl child was born on 16.12.2000. It

is alleged by the opposite party/wife that at the time of marriage, the father of the opposite party gave 20 bhoris of gold ornaments and other household articles like air-conditioner, refrigerator, computer-table, television, inverter etc. But after few days of marriage, the petitioner started using slang language and started abusing her for no any reason and further the petitioner used to abuse the complainant and trashed her on and off. She was also beaten up black and blue by the husband and even the opposite party was not allowed to contact any family member or relatives and friends and finally on 23rd June, 2017, the petitioner was beaten up in front of the minor child. Accordingly, she was rescued by her family members and started living separately. During her stay, she was unable to maintain herself as well as daughter. Having no other alternative, she filed an application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (in short 'PWDV' Act).

3b. It further appears from the application that the opposite party has lodged a complaint before the Durgapur Women Police Station for such physical and mental torture. Accordingly, Durgapur Women P.S. Case No. 63 of 2017 dated 01.08.2017 under Sections 498A/406/328/307/323/324/34/386 of the IPC, 1860 and Sections 3 and 4 of the Dowry Prohibition Act, 1961 was registered against the petitioner.

3c. After hearing and considering the case of the petitioner, the learned Additional Chief Judicial Magistrate, Durgapur allowed the prayer for interim maintenance and awarded a sum of Rs. 8,000/- per month to the wife and a sum of Rs. 7,000/- per month to the unmarried daughter.

3d. Being aggrieved by and dissatisfied with the order thereby allowed the interim maintenance, the

instant revisional application has come up before this Court for disposal.

4. Upon perusal of the application and annexures thereto including the orders passed by the learned Magistrate, this Court finds there was a matrimonial dispute between the parties and she is residing separately along with her daughter. It appears from the record that she has no income of her own to maintain herself and her daughter. On the other hand, the petitioner is a Junior Engineer (Civil) at Public Health Engineering Department, Government of West Bengal and posted at Asansol, West Bengal and his salary recorded in the salary slip dated 17.10.2017 to the tune of Rs. 39,182/- and he received net salary of Rs. 34,852/-.

5. In view of the aforesaid facts and circumstances, the learned Court below rightly allowed

the interim maintenance considering the case of the petitioner and opposite party/wife as well as income and liability of the petitioner and living standard of the petitioner in the society. Furthermore, it is the bounden duty and social obligation of the husband to maintain wife and unmarried daughter, who are not in a position to maintain themselves from their own income. Provision of Section 125 of the CrPC is very much applicable in the instant case of the allowing maintenance to the wife and his daughter.

6. Under such circumstances, this Court does not find any merit in the instant revisional application.

7. Accordingly, **CRR 3976 of 2017** is, thus, dismissed without order as to costs. Consequently, **CRAN 1 of 2018 (Old No. CRAN 646 of 2018)** is also, thus, disposed of.

8. Interim order, if any, stands vacated.
9. Let a copy of this order be communicated to the learned Court below for information and taking necessary action in accordance with law.
10. All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.
11. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Ajay Kumar Gupta, J)