

CRR 1414 of 2020

**Kazi Faruque Ahmed
vs.
The State of West Bengal & Anr.**

For the Petitioner : Mr. Nilanjan Bhattacharjee,
Mr. Abhilash Chatterjee.

For the Opposite Party No. 2 : Mr. Sabir Ahmed,
Mr. Tasnim Ahmed,
Mr. Dhiman Banerjee.

1. The present revisional application has been preferred against an order dated 3rd February, 2020 passed by the learned Judicial Magistrate, 1st Class, 2nd Court, Chandernagore, Hooghly, in connection with Misc. Case No. 242 of 2019 under Section 125 of Cr.P.C., thereby directing the petitioner to pay Rs. 7,000/- per month toward the opposite party and Rs. 5,000/- per month to her minor daughter of every succeeding English Calendar month.
2. The criminal revisional has been preferred by the husband/opposite party before the Trial Court.
3. Heard the learned counsel for the petitioner and the opposite party no. 2. Considering the materials on record it appears from paragraph 1 of the revisional application that the opposite party no. 2 lived in a shared household on being married to the petitioner.
4. A supplementary affidavit has been filed by the petitioner herein annexing relevant documents showing that a Title

Suit being No. 104 of 2018 has been decreed on contest between the parties wherein there has been a decree declaring that there is no marital status between the parties in this case. On the said ground the petitioner has prayed for setting aside the order of interim maintenance granted in favour of the wife/opposite party.

- 5.** The petitioner has no objection to the amount of maintenance granted to the minor daughter herein.
- 6.** The learned counsel for the opposite party no. 2 submits that against the said decree a Title Appeal being No. T.A. 02 of 2022 has been preferred and the same is pending before the learned Civil Judge (Senior Division), Bishnupur, Bankura. Admittedly, the order under revision is an interim order of maintenance. The main case is still pending final adjudication.
- 7.** Considering the materials as discussed, the order under revision dated 03.02.2020 is modified to the following extent.
- 8.** The order of interim maintenance granted to the wife/opposite party no. 2 is set aside, subject to final adjudication of the proceedings between the parties. The interim order of maintenance granted to the child is enhanced from a sum of Rs.5,000/- to Rs.10,000/- which shall be paid from the date of filing of the application, until further adjudication and will be subject to the final decision of the learned Magistrate who shall dispose of the main case finally following the guidelines of the Hon'ble

Supreme Court in ***Rajnesh vs. Neha & Anr., (2021) 2 SCC 324.***

9. Considering the pleadings in the revisional application, the opposite party no. 2 herein is at liberty to pursue her relief under the appropriate laws in force.
10. **The present revisional application is accordingly disposed of.**
11. All connected applications, if any, stand disposed of.
12. Interim order, if any, stands vacated.
13. Let a copy of the order be sent to the learned trial court for compliance.
14. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Shampa Dutt (Paul), J.)