

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

Present:

The Hon'ble Justice Ajay Kumar Gupta

C.R.R. 352 of 2015

Debarti Sarkar

Versus

The State of West Bengal and Anr.

Taken up on : 02.09.2025

Judgment on : 02.09.2025

Ajay Kumar Gupta, J:

1. The petitioner being the wife of opposite party No.2/Vivek Sarkar file this instant application under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973 challenging the impugned order dated 13th January, 2015 passed by the learned Additional Chief Judicial Magistrate, Sealdah in Misc. Case No.75/14 (TR No.359/14) thereby directed the opposite party No.

2/husband herein to pay an interim maintenance amount to the tune of Rs. 2,000/- per month only to the petitioner/wife.

2. None appears on behalf of the parties.

3. No accommodation is sought for.

4. Considering the nature of prayer and long pendency of this proceeding, this Court preferred to decide the matter on merit on the basis of materials available in the case record.

5. The brief facts of the case are relevant for disposal of this proceeding are as follows:-

6. The petitioner/wife and the opposite party/husband got married on 28th February, 2014. The opposite party/husband sent the petitioner/wife to her parental home for two months. Thereafter, he never tried to meet her or tried to contact her and willfully neglected the petitioner/wife. On 5th May, 2014 the opposite party/husband took the petitioner/wife to a doctor and compelled the petitioner/wife to take medicines without any reasons as per the prescription as a result petitioner became seriously ill and, thereafter, she was driven out from the matrimonial home.

7. It is admitted fact that the petitioner/wife is residing in the parental house. She has no her own income to maintain her.

She claims the opposite party/husband is a businessman and earning more than Rs.50,000/- per month. She prayed for Rs.15,000/- per month for her interim maintenance till disposal of the main application under Section 125 of the Cr.P.C.

8. On the other hand, opposite party no. 2 denied and disputed all allegation by filing written objection and further stated that petitioner was mentally retarded lady and without disclosing actual facts, she got married with him.

9. After considering the entire facts and circumstances of the case and objection filed by the opposite party no. 2/ husband, learned Trial Court has held that neither the petitioner/wife file any document to show the actual income of the opposite party no. 2/husband as per averments nor the opposite party no. 2/husband file any document to show his income was Rs. 9,000/- per month.

10. Finally, the Trial Court came to the conclusion that the primary ingredients fulfil to allow the interim maintenance to the petitioner/wife. The interim maintenance was allowed @ Rs. 2,000/- per month to be paid by the opposite party/husband to the petitioner within 15th day of each succeeding month till the

disposal of the present application, in default, the petitioner shall be at liberty to put the order into execution.

11. Upon perusal of judgment as well as the other documents, this Court finds that there are no disputes regarding the marriage and also there are also she is residing separately in her parental house. It is also admitted fact that the petitioner/wife has no income of her own to maintain herself. Both parties failed to prove their income by any sufficient document at initial stage. Therefore, Learned Court below allowed a sum of Rs. 2,000/- per month which is found to be correct and no infirmity in the interim order.

12. This instant case has been pending since 2015, the main application under Section 125 of the Cr.P.C. may have already been disposed of by this time. In such circumstances, this Court does not find any reason to interfere with the order passed by the Trial Court. Accordingly, the impugned order passed by the Trial Court does not call for any interference and same is affirmed.

13. Consequently, **CRR 352 of 2015** is, thus, **dismissed**. All connected pending applications, if any, are also disposed of.

14. Interim orders, if any, shall stand vacated.

15. Let a copy of this judgment be communicated to the Trial Court for information and taking necessary steps.

16. All parties are to act in terms of the copy of this judgment downloaded from the official website of this court.

17. Urgent Photostat certified copy of this judgment, if applied for, is to be given to the parties upon compliance of all legal and necessary formalities.

(Ajay Kumar Gupta, J)

AP