

Item No. 42
13.01.2025.
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IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

C.R.R. No. 797 of 2023

Guddu Modi
Versus
The State of West Bengal & Anr.

Mr. Abhra Mukherjee,
Mr. Sauradeep Dutta.

...For the opposite party no.2/wife.
(appointed by High Court Legal Aid)

1. Affidavit-of-service filed on behalf of the opposite party no.2 is taken on record.
2. Despite service of notice, none appears on behalf of the petitioner. Even on earlier occasion, none appears on behalf of the petitioner. No accommodation had sought for.
3. In absence of the learned Advocate for the petitioner, the matter is taken up for hearing.
4. In the present revisional application filed by the petitioner challenging the order of interim maintenance allowed by the learned Judicial Magistrate, 4th Court, Asansol, Paschim Burdwan in Miscellaneous Case No. 429 of 2022 under Section 125 of the Code of Criminal Procedure.
5. By the said order, the learned Trial Judge has allowed the interim maintenance to the tune of Rs.13,000/- per month to the opposite party/wife, contending herein that

the marriage between the petitioner and the opposite party is not disputed. Furthermore, the opposite party no.2/wife resides separately and she has no her own income to maintain herself.

6. The opposite party no.2/wife claimed a sum of Rs.25,000/- per month for herself as an interim maintenance and Rs.10,000/- as litigation costs.

7. After hearing the parties, the learned Trial Court has allowed a sum of Rs.13,000/- per month as sufficient for the opposite party/wife to maintain herself at the present status of the opposite party no.2 and considering his income, though the claim of the petitioner/husband is that he is a staff of Sham Traders and wherefrom he earned a monthly salary of Rs. 6,000/- per month.

8. Whereas on the other hand the claim of the opposite party no.2/wife is that the opposite party no.2 is an abled person and is a commercial driver earning Rs.15,000/- per month. Apart from that he has a business of Flower Decoration and Building Materials earning Rs.45,000/- per month.

9. From the perusal of the impugned order, I do not find any infirmity while allowing the interim maintenance to the opposite party no.2/wife by the learned Trial Court.

10. It is submitted that the final application for maintenance is still pending for adjudication. Both the sides have to lead their evidence showing their case and the actual income of the petitioner/husband as well as opposite

party/wife. Accordingly, this Court does not find any sufficient reasons to interfere with the impugned order passed by the Trial Court.

11. It is submitted by the Counsel for the opposite party no.2/wife that despite passing such order, no interim maintenance is paying by the husband and he further not appeared to contest this case.

12. The learned Trial Judge is directed to dispose of the main application filed under Section 125 of the Code of Criminal Procedure, 1973 after giving an opportunity of hearing to both sides and after leading evidence and finally disposed of the same as early as possible.

13. The petitioner/husband is directed to pay the interim maintenance to the opposite party no.2/wife in view of the order passed by the Trial Court till the disposal of the main application in the manner and mode as stipulated in the impugned order as aforesaid.

14. With the aforesaid observations, the instant revisional application is disposed of.

15. In view of disposal of the main revisional application, all the connected pending applications are also disposed of.

16. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Ajay Kumar Gupta, J.)