

D/L- 33
11/12/2025
Ct. No.-42
Aritra

CRR 2566 of 2025

**Sukhen Chandra Saha
Vs.
Soma Podder (Saha)**

Mr. Uttiya Ray
Ms. Anima Maiti

....for the petitioner

1. Present petition has been filed challenging the order dated December 3, 2024 of Learned Additional Sessions Judge, 1st Court, Hooghly at Chinsurah in Criminal Motion No.114 of 2024.

2. Learned counsel for the petitioner submits that learned Magistrate granted maintenance from 2015 taking into account the salary of the petitioner/husband in the year 2019. Learned counsel submits that salary of the husband in 2015 was much lesser than as compared to the salary of 2019.

3. Learned counsel submits that the petitioner had taken this point before the Revisional Sessions Court but the same was not appreciated correctly. Learned counsel submits that the matter may be relegated back to the learned Judicial Magistrate with liberty to the petitioner to file an application for modification of order on ground of difference in salary in the year 2015 and 2019 and raise all the other contentions before the learned Magistrate.

4. Liberty granted.

5. The petitioner shall be at liberty to raise the contention regarding the salary in 2015 and 2019.

6. Learned Magistrate shall decide the same independently without being influenced by the order of learned Sessions Judge passed in Criminal Motion No.114 of 2024. Till the application for modification is decided, no coercive action be taken regarding the arrears of maintenance. However, husband shall continue to pay the monthly maintenance.

7. CRR 2566 of 2025 stands disposed of.

8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Dinesh Kumar Sharma, J.)