

11.09.2025
tkm/ct 550
sl no.30

C.R.R. 2769 of 2022

In Re : An application under section 401 read with section 482 of Cr. P.C
And
In Re : Diptatanu Banerjee petitioner

Mr. Swapan Kr. Mallick
Mr. G Ray

..... for the petitioner

Ms. Shabana Hassin
Mr. Prantik Ghosh

..... for the OP

1. I have gone through the relevant order dated 5.7.2022 passed by the learned Judicial Magistrate, 4th Court, Barrackpore, North 24 Parganas in connection with Misc, Case no. 173/22 whereby the revisionist-husband has been directed to pay a sum of Rs. 20,000/-p.m for the child. However, the petitioner has come up with a new plea that this sum of Rs. 20,000/-p.m. as interim maintenance allowance for the child should be divided into two parts and thereby allowing the revisionist-husband to pay Rs. 10,000/- only per month for the expenses of the child and the respondent-wife should also be directed to bear Rs. 10,000/- per month as interim monthly maintenance allowance for the child.

2. Learned counsel for the petitioner has further submitted that the respondent wife is a working lady and she should share the monthly maintenance allowance for the child.

3. Learned counsel for the petitioner has also drawn attention of this court to the judicial decision report in **AIR 2000 SC 1398 (Padmja Sharma vs. Ratan Lal Sharma)** in support of his contention that when both the parents are working the

maintenance allowance for the child should be shared by both the parents.

4. Learned counsel for the respondent-opposite party has raised vehement objection. According to her, the husband has sufficient means to pay the monthly maintenance allowance to the extent of Rs. 20,000/- p.m. to the child since he is working in TV 18 Channel as Bulletin producer and has also properties wherefrom he is getting rent to the extent of Rs. 12,000/- per month.

5. I have gone through the materials on record including the affidavit of assets. It appears that in dealing with the revisional application, the court is entrusted to see whether any wrong has been committed or any illegality is in the order of the learned trial court. I have gone through the order dated 5.7.2022 which is an order granting interim maintenance allowance to the child and it has been clearly observed that all intricacies regarding the petitioner for not staying with the opposite party and all other factors will be decided at the time of trial. The affidavit of assets prima facie discloses that the respondent-wife is bearing expenses of the child to the extent of Rs. 27,500/-per month. Moreover, the plea of sharing interim monthly allowances by both the parents was not taken by the revisionist during hearing of the prayer for interim allowance before the trial court. Therefore, considering the stage of proceedings, I find that there is no wrong committed by the learned trial court and accordingly the instant criminal revisional application is, thus, dismissed. No costs.

6. In view of the disposal of the revisional application, all connected applications if any, stand disposed of.

7. However, I make it clear that the judicial decision as cited by the learned counsel for the petitioner can be considered by the learned trial judge at the time of trial.

(Apurba Sinha Ray, J.)