

21.02.2025  
Item No. 19  
Ct No. 28  
SG

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

**C.R.R. No. 3950 of 2024**

In the matter of: **Manirul Hassan Khan.**

.....petitioner

1. Order dated 13.12.2023 passed by learned Additional Sessions Judge, 7<sup>th</sup> Court, Paschim Midnapore Criminal Appeal No. 17 of 2023 modifying order passed by the learned Magistrate and directing the petitioner husband to pay a sum of Rs.20,000/- to the wife and Rs.10,000/- to the minor son as interim relief has been assailed.
2. It is admitted opposite party no. 2 is the wife of the petitioner. A son was born to the couple. Opposite party-wife instituted proceeding under Section 12 of Protection of Women from Domestic Violence Act and prayed for interim monetary relief. Noting there was no physical abuse a sum of Rs.4,000/- was directed as interim relief to her and the minor son. Appellate Court recorded gross income of the petitioner as Rs.1,99,726.40 and net income as Rs. 1,55,068/-. Accordingly, the Court enhanced the maintenance, as aforesaid.
3. I do not find any illegality in the order. Learned Magistrate failed to take into consideration that proceeding under Protection of Women from Domestic Violence Act for monetary relief can be instituted in the event there is denial of economic support i.e.

economic abuse. Nothing was placed before the jurisdictional Magistrate or the Appellate Court that adequate monetary support had been extended to opposite party-wife or the minor child.

4. Under such circumstances, the enhancement of the interim monetary relief to an amount commensurate to the income potential of the husband and the necessities of the opposite party-wife and her minor child does not call for interference.
5. With this observation, application being CRR 3950 of 2024 is dismissed.

**(Joymalya Bagchi, J.)**