

CRR 4171 of 2024

In Re: - An application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, corresponding to Section 482 Cr.P.C., 1973 in connection with enhancement of the interim maintenance order under Section 125(2) of the Code of Criminal Procedure, 1973 dated 31.01.2024 passed by the learned Judicial Magistrate, 3rd Court, Malda in M.Case No. 246 of 2020

And
Nabanita Banerjee Nee Das
Vs.
Rajesh Das

Mr. Debasis Mitra,
Mr. Arka Mahalanobis

... for the Petitioner

Mr. Robiul Islam

... for the Respondent

There is delay of 146 days and an application is filed for condonation of delay. Delay is condoned.

Affidavit of service is taken on record.

The instant application is filed against the order dated 31.1.2024, passed by the learned Judicial Magistrate, 3rd Court, Malda in M. Case No. 246 of 2020, whereby, the Trial Court allowed interim maintenance of Rs.4,000/- (Rupees Four Thousands only) per month to the petitioner-wife.

Mr. Robiul Islam, learned Counsel for the respondent-husband, submitted that there is a matrimonial dispute and the marriage is under challenge. For that a civil proceeding is pending before the Civil Judge, Junior Division, 1st Court, Malda.

Learned Counsel for the respondent-husband admitted that he earns about Rs. 35,000/- (Rupees Thirty Five Thousands only) per month, since he is a clerk in the local school. The learned Trial Court also noted this fact. This is a case of interim maintenance. The Learned Trial Court shall fix the maintenance on evidence at the final hearing of the matter, interim

maintenance is tentative amount only. Since, admittedly the respondent-husband earns more than Rs. 35,000/- (Rupees Thirty Five Thousands only) per month, interim maintenance is enhanced to Rs.5,000/- (Rupees Five Thousands only) per month which is applicable from the month of April, 2025. The husband shall clear and pay arrear of maintenance, if any.

The learned Counsel may receive the summons of the revisional application filed by the respondent-husband in the Court of Sessions Judge at Malda.

The instant criminal application being **CRR 4171 of 2024** stands disposed of.

Urgent certified photocopy of this order, if applied for, shall be supplied to the parties upon compliance of all necessary formalities.

(Sugato Majumdar, J.)