

25.3.2025
Sl.26
Nandita
Court No.40

C.R.R. 4246 of 2024

In Re: - An application under Section 442 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 and Section 401 of Criminal
Procedure Code challenging the order dated 20.08.2024
passed by the Learned Judicial Magistrate, 3rd Court
Durgapur in Misc. Ex. No. 294 of 2022 arising out of Misc.
Case No. 226 of 2014

And

Nivedita Mandal @ Banerjee
Vs.
Chanchal Mondal

Mr. Amajit De
.... For the Petitioner

Mr. Subrata Bhattacharyya,
Ms. Shipra Santra
.... For the Opposite Party

Affidavit-of-service filed on behalf of the petitioners be kept
with the record.

The instant application is filed under Section 442 of the
Bharatiya Nagarik Suraksha Sanhita, 2023 and Sections 482
and 401 of the Code of Criminal Procedure.

The instant case, the learned Trial Court, namely, learned
Judicial Magistrate, 3rd Court Durgapur allowed maintenance of
Rs. 4000/- (Four Thousand) to the petitioner/wife and Rs.
6000/- (Six Thousand) to the daughter residing with her in
terms of order dated 20th August, 2024.

The revisional application was preferred and the learned
Additional Sessions Judge Durgapur in terms of his judgment

dated 15.11.2022 upheld the order passed by the Learned Magistrate.

There is concurrent finding of both the Courts which demand no interference. The present grievance of the petitioner/wife is the warrant of arrest issued against the husband was withdrawn on deposit of Rs. 10,000/- (Ten Thousand) merely, whereas the arrear amount is more than Rs. 2 lakh (Two Lakh). Learned Counsel for the respondent/husband submitted that he is paying the quantum of maintenance regularly.

However, to obviate any difficulty to the learned Trial Court quantum of maintenance may be deducted by the employer from the salary of the respondent/husband and be sent to the bank account of the petitioner/wife and there may be account to account transfer by electronic means. Necessary order may be passed by the Trial Court.

The instant application 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.)