

21.3.2025
Ct. No. 40
Item No.10
Samarpita

CRR 4457 of 2024

In Re: - An application under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973, corresponding to under Section 442/528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with order dated 11.7.2024 passed by the Learned Additional Sessions Judge, 2nd Court at Suri, Birbhum

And
Smt. Samarpita (Nag) Rooj @ Mithu Rooj
Vs.
Sri Biswajit Rooj & Anr.

Mr. Tirtha Pati Acharyya,
Md. Abdur Rakib,
Mejahid Mehedi ... for the Petitioner

Ms. Aiswarjya Ghosh,
Ms. Priyanka Saha ... for the respondent no.1

Affidavit of service is taken on record.

This is an application is filed against an order dated 11.7.2024 passed by the learned Additional Sessions Judge, 2nd Court at Suri, Birbhum .

Wife filed an application for maintenance under Section 125 of the Criminal Procedure Code, before the learned Judicial Magistrate, 1st Class, 2nd Court, Suri, Birbhum.

The learned Trial Court, observing that the wife is living in adultery rejected the application for maintenance. The revision application preferred before the learned Additional Sessions Judge was rejected and the Additional Sessions Judge, upheld the order passed by the Trial Court. The Additional Sessions Judge noted the verdict passed in MAT Suit No. 256 of 2007 wherein it was decided the wife is resided in adultery.

Learned Counsel for the petitioner submitted that an appeal against the said order is pending before the High Court for which the issue of consideration of maintenance may be kept pending.

I have heard learned Counsels.

Pendency of the appeal, as stated cannot be a ground for keeping this application pending. In case of change of circumstances, the wife is at liberty to apply fresh application praying for maintenance.

On perusal of the order passed by the both the Courts below. It appears that there is no error and both the Courts correctly decided the issue.

Accordingly, the concurrent order demands no interference.

Accordingly, the instant Criminal Revision being **CRR 4457 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.)