

17.02.2026
Ct. No.42
D/L 10
Mujahid

CRR 5040 of 2024

Asis Das
Vs.
Depali Das (Paul) & Anr.

Mr. Sukanta Das
Mrs. Lopa Mudra Moitra

...for the petitioner

Mr. Debasis Kar
Mr. Arka Tilak Bhadra

...for the opposite party no.1

1. Present petition has been filed challenging the order dated 22nd July, 2024 passed in Criminal Revision No.267 of 2022 whereby the learned Additional District and Sessions Judge, Fast Track Court -5, Barasat, North 24 Parganas. In Criminal Revision 267 of 2022 vide order dated 22nd July, 2024 dismissed the revision petition filed against order dated 22nd May, 2022 passed by the learned Additional Chief Judicial Magistrate, Barasat in Maintenance Case No.67 of 2020 under Section 125 Cr.P.C in respect of the interim maintenance.

2. Learned counsel for the petitioner submits that both the trial courts have fallen into error as they did not take into account the fact that the opposite party/wife is a LIC agent for which the documents were already on record. It has further been submitted that as per the affidavits of asset and liability, the income of the petitioner/husband is only Rs.4000/- per month. Leaned counsel submits that the petitioner/husband is

ready to make payment of the interim maintenance to the daughter as ordered by the learned Magistrate and upheld by the Learned Sessions Judge. However, there is no basis for grant of maintenance in favour of the opposite party/wife.

3. Learned counsel for the opposite party has vehemently opposed the same. Learned counsel submits that the learned trial court and the learned revisional court have taken into account, the entire record and by a reasoned order granted the interim maintenance.

4. The court has considered the submission. The present petition has been filed challenging the order of the learned Additional Sessions Judge passed in the first revision petition. The order of the learned trial court has been upheld by the learned Sessions Court. I have gone through the impugned order, learned Sessions Judge has minutely examined in detail and the contentions being raised by both the parties. Learned Additional Sessions Judge has taken into account that the petitioner/husband has got some landed property. The court also took into account the fact that the petitioner/husband is running a business of electrical items.

5. It is also pertinent to mention here that at this stage, the interim maintenance has been granted and parties are yet to lead the evidence. The court at this stage cannot minutely appreciate the oral or the documentary evidence. The court can interfere into the impugned order only if there is any manifest illegality or perversity in the order. This court does not find any illegality or perversity in the order. The court also finds that the

learned trial judge and the learned Additional Sessions Judge has passed the order in sync with the intention and the object of the legislation, as such, any interference of this court is unwarranted.

6. CRR 5040 of 2024 is dismissed.

7. All parties shall act on the basis of the server copy of this order duly downloaded from the official website of this Court.

(Dinesh Kumar Sharma, J.)