

Criminal Revision No.97 of 2022
CNR No. WBHW01 00 7227 2022
Present: Sri Subhash Kumar Kar
Sessions Judge, Howrah
J.O. Code – WB00592

Order No.26 dated 04.06.2026.

Petitioner/revisionist files hazira.

State/O.P. No.2 also files hazira.

Opposite Party No.1 is found absent without steps and on repeated calls.

The date is fixed for filing show cause by the O.P. No.1, i.d. ex parte hearing.

Since no show cause has been filed by the O.P. No.1 in compliance of the court's order, the matter is taken up for ex parte against him.

Heard the Ld. Advocate for the petitioner and the State on the revisional petition.

Now it is taken up for order.

This revisional application has been filed by the petitioner namely, Smt. Manashi Sett against her husband Sri Arindam Sett (O.P. No.1) and State of West Bengal (O.P. No.2) challenging the order dated 02.08.2022 passed by the Ld. J.M. 3rd Court, Howrah in connection with Misc. Case No. 153 of 2021 U/s.125 of Cr.P.C. on the ground that the amount of maintenance awarded by the said Ld. Court is not adequate and sufficient for subsistence of the petitioner and her minor child and it is prayed for necessary direction for enhancing the same to the tune of Rs.15,000/- per month each for the petitioner and her minor child along with litigation cost of Rs.10,000/-.

At the time of hearing Ld. Advocate for the petitioner submitted that admittedly the petitioner was married to the O.P. No.1 and a child was born to them from the said wedlock and owing to the repeated demand of dowry she was compelled to leave her matrimonial home along with her minor child and since her leaving O.P. No.1 did not provide any maintenance either to herself or to her minor child and the said Misc. Case

was filed by the petitioner along with an application for interim maintenance and though it is categorically stated that O.P. No.1 earns Rs.90,000/- per month, the Ld. Court did not consider the same and fixed an amount of interim maintenance for the petitioner and her minor child which are not sufficient for subsistence of herself and her minor child and it is prayed to enhance the same.

Ld. P.P. in charge appearing for the state submitted that the interim maintenance awarded by the Ld. Magistrate is sufficient in the given facts and circumstances of this case and it is prayed to dismiss the petition.

On perusal of the record it appears that the O.P. No.1 filed a written objection against the prayer for interim maintenance and he stated his income as Rs.2,00,000/- (two lakh) per annum and it is further alleged that the petitioner earns Rs.10,000/- per month by rendering her job in the diagnostic centre under the name and style "Generic" attached to Nabanir Hospital at Ichapur Howrah.

On perusal of the order impugned it appears that the Ld. Magistrate has considered the submission of both sides and came to the conclusion that the materials which has been placed on record are supported by affidavit from both sides and the correctness of those materials cannot be ascertained unless the parties lead their respective evidence at the time of trial and considering the prima facie case made out by the petitioner in support of her bare necessity and urgency of interim maintenance, the quantum has been fixed on the basis of the prevailing market price and the index of cost of living commensurate to the standard of living of the petitioner and her minor child.

It appears from the materials on record that the petitioner is admittedly living at her paternal house and under the law the findings arrived at by the Ld. Magistrate at the time of hearing of prayer of interim maintenance are tentative in nature and has no bearing on the later part of the proceedings and the quantum of interim maintenance awarded by the Ld. Magistrate is

sufficient for a lady and her minor child who live at her paternal house and I do not find any infirmity in the findings of the Ld. Magistrate.

Thus, I am not inclined to interfere with the order impugned.

In the result the present revisional application fails.

C.F. paid it sufficient.

Hence, it is,

O r d e r e d

that the instant revisional petition being No. 97 of 2022 stands dismissed ex parte against the O.P. No.1 and on contest as against O.P. No.2/State.

The order dated 02.08.2022 passed by the Ld. J.M. 3rd Court, Howrah in connection with Misc. Case No.153 of 2021 stands affirmed.

However, there is no order as to cost.

Let a copy of the order be sent to the Ld. J.M., 3rd Court Howrah for information.

Dictated & corrected by me.

S. J.

Sessions Judge, Howrah.