

Criminal Revision No. 18 of 2025

CNR No. WBJP01 – 001830– 2025

Order No. 04, Dated – 03.07.2025

Record is taken up for admission hearing.

Learned advocate for the revisionist is present.

From the office report, it appears that the present Criminal Revision has been filed within the period of limitation and the same is in order.

Accordingly, the present Criminal Revision stands admitted.

Issue notice to the other side.

Requisite be put in at once.

At this stage, Ld. Counsel appearing on behalf of the revisionist moved the prayer for stay of the order impugned dated 28.02.2025 passed by the Ld. Judicial Magistrate, 2nd Court, Jalpaiguri in Misc Case No.104/2023 under Sec.125 of Cr.P.C. wherein and whereunder Ld. Trial Court has granted interim maintenance of Rs.7000/- per month, pending decision of the original application for maintenance. Ld. Counsel for the revisionist has submitted that the revisionist/ O.P. is having 35,000/- monthly income. However, he is having car loan for which he is to pay a lump sum amount as installment and in addition to that the revisionist is also to maintain his aged father. It is thus, submitted that the amount of Rs.7000/- per month is too exorbitant and caused hardship to the revisionist. Accordingly, it has been submitted by filing a separate petition that the order impugned be stayed till disposal of the Revisional Application.

Heard Ld. Lawyer for the revisionist.

Perused the materials on record. Considered.

With regard to the revisional application, since it is an interim maintenance, pending decision of the final disposal of the maintenance application, I keep the point open about maintainability of the revisional application filed under sec.438/440 of the BNSS on merit.

Having considered the materials on record and in consideration of the fact that the revisionist is a businessman having a clear income of Rs.35,000/- per month, the amount that has been directed to be paid as interim maintenance by the Ld. Trial Court appears to have been in commensurate with the income of the revisionist. However, considering the fact that he is to maintain his old aged father and also allegedly he is having a car loan, the quantum of Rs.7000/- per month payable by the husband is reduced to Rs.6000/- per month and thereby the order impugned dated 28.02.2025 be stayed till disposal of the revisional application, subject to payment of Rs.6000/- per month by the revisionist / husband to the O.P. No.1/ wife by the 10th day of each succeeding month as per the English Calender year with effect from 28.02.2025 till disposal of the revisional application and the arrear amount for

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two months be also paid by the revisionist/ husband from the month of June, 2025 @ Rs.6000/- per month.

In case the revisionist fails to pay the interim maintenance of Rs.6000/- per month, the interim stay will automatically be vacated.

Fix **11.08.2025** for SR/AD/Appearance.

Send a copy of this order to the Ld. Judicial Magistrate, 2nd Court, Jalpaiguri for information and taking necessary action.

Dictated & corrected by me,

Sessions Judge, Jalpaiguri
WB00709

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