

Criminal Appeal No. 174 of 2024
CNR No. WBSP04-000042-2025
CIS Registration No.04 of 2025

Order No. 16

Dated 20.07.2026

Today is fixed for hearing positively, i.d. the matter will be disposed of on merit.

Both parties are present by filing haziras.

State is not represented.

The matter is taken up for hearing analogously with Criminal appeal No.166 of 2024 as both the aforesaid criminal appeals arise out of the common order dated **06.06.2024** passed by the Learned Judicial Magistrate, 4th Court, Alipore in **C-912 of 2022**, arising out of an application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as "the PWDV Act").

Heard the Ld. Advocates at length.

Since both the appeals challenge different parts of the self-same order and involve common questions of fact and law, they were heard analogously and are being disposed of by this common judgment.

The judgment is ready. It contains 31 pages. It is sealed, signed and delivered in open Court.

The operative parts of the judgment reads as follows:

Accordingly, **Criminal Appeal No.166 of 2024 succeeds in part**, whereas **Criminal Appeal No.174 of 2024 stands dismissed**, subject to the observations made herein.

The impugned order dated **06.06.2024** passed by the learned Judicial Magistrate, 4th Court, Alipore in **C-912 of 2022**, is **modified** to the following extent:

1. The aggrieved person/wife shall be entitled to **interim monetary relief at the rate of Rs.10,000/- (Rupees Ten Thousand only) per month** from the date of filing of the application under Section 12 read with Section 23 of the Protection of Women from Domestic Violence Act, 2005 until further orders or final disposal of the proceeding.

2. The interim maintenance awarded in favour of each of the two minor daughters is enhanced from **Rs.10,000/- (Rupees Ten Thousand only) per month to Rs.12,500/- (Rupees Twelve Thousand Five Hundred only) per month each**, payable from the date of filing of the application.
3. Consequently, the respondent-husband shall pay a total sum of **Rs.35,000/- (Rupees Thirty-five Thousand only) per month**, comprising:
 - Rs.10,000/- per month to the aggrieved person; and
 - Rs.12,500/- per month to each of the two minor daughters.
4. The respondent-husband shall be entitled to adjustment of any amount voluntarily paid by him towards the maintenance, education or other expenses of the aggrieved person or the minor daughters during the relevant period, provided he produces satisfactory documentary evidence before the learned Trial Court. Upon such proof being furnished, the learned Trial Court shall verify the same and grant appropriate adjustment while computing the arrears.
5. The order of the learned Trial Court rejecting the respondent-husband's application under **Section 340 Cr.P.C.** is hereby **affirmed**.
6. The order rejecting the respondent-husband's application under **Section 21 of the Protection of Women from Domestic Violence Act, 2005** is also **affirmed**.
7. However, it is clarified that the respondent-husband shall be at liberty to approach the competent Court under the **Guardians and Wards Act, 1890**, or any other competent forum, seeking visitation rights, custody or any other appropriate relief in respect of the minor children. If any such proceeding is instituted, the competent Court shall decide the same independently in accordance with law, keeping the welfare and best interests of the children as the paramount consideration, without being influenced by any observations made in the present judgment.
8. The learned Trial Court shall proceed with the main proceeding under Section 12 of the Protection of Women from Domestic Violence Act, 2005 expeditiously and dispose of the same on its own merits, uninfluenced by the prima facie observations made herein, which are confined solely to the determination of interim relief.

Let a copy of this judgment along with the Lower Court Records be transmitted forthwith to the learned Judicial Magistrate, 4th Court, Alipore for information and necessary action.

The appeals are disposed of accordingly.

Urgent certified copy of this judgment, if applied for, be supplied to the parties on compliance with all requisite formalities.

The judgments are accordingly delivered and pronounced in the open Court.

Let the soft copies of the orders and judgment be uploaded in the CIS as per the modalities of law.

Note the Disposal in Germane Register.

Dictated and Corrected by me,

Additional District and Sessions Judge,
Fast Track 8th Court,
Alipore, South 24 Parganas

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Fast Track 8th Court,
Alipore, South 24 Parganas