

CRL. APPEAL No. 167 of 2025 CIS 18 of 2025
CNR No.WBSP04-000213-2025
J.O Code :- WB01088

Order no.7 dated 16-07-2026

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

Appellant is present by filing hazira.

Respondent No.1 is present through concerned Ld. Advocate.

Respondent No.2 is present.

The record is taken up for hearing.

Heard both sides at length.

The record is taken up for preparing judgment.

Judgment is ready. It contains 22 pages. It is sealed, signed and delivered in open Court.

The operative portion of the judgment reads as follows:

“In view of the discussions made hereinabove, the appeal succeeds in part.

Accordingly, it is hereby **ORDERED** that:-

1. **The Criminal Appeal No.167 of 2025 is allowed in part on contest.**
2. **The impugned order dated 17.05.2025 passed by the Learned Judicial Magistrate, 9th Court, Alipore, South 24 Parganas in A.C. Case No.6006 of 2019 is modified only with regard to the quantum of interim monetary relief.**
3. The appellant/husband shall pay a consolidated sum of **Rs.30,000/- (Rupees Thirty Thousand only) per month** as interim monetary relief with effect from **24.12.2019**, apportioned as follows:
 - **Rs.15,000/- (Rupees Fifteen Thousand only) per month** in favour of the respondent No.1/aggrieved person-wife; and
 - **Rs.15,000/- (Rupees Fifteen Thousand only) per month** in favour of the minor daughter, namely **Anisha Ray**.
4. The interim monetary relief shall continue to be payable within the **10th day of each English calendar month** until further orders or till disposal of the main proceeding, whichever is earlier.

5. The arrears of interim monetary relief accrued in terms of this modified order shall be cleared by the appellant **within three months from the date of this judgment.**
6. It is made clear that the amount of interim maintenance already awarded in **M. Case No.853 of 2019 under Section 125 Cr.P.C.** shall be **adjusted against the amount awarded in the present proceeding**, in accordance with the principles laid down by the Hon'ble Supreme Court in **Rajnesh Vs. Neha**, so as to avoid duplication of maintenance.
7. The direction contained in the impugned order restraining the respondent/husband from committing any act of domestic violence or harassment against the aggrieved person shall remain **undisturbed.**
8. The learned Judicial Magistrate, 9th Court, Alipore, South 24 Parganas is directed to take up the application filed by the aggrieved person on **02.06.2023/05.06.2023** seeking relief under Section 19(d) of the Protection of Women from Domestic Violence Act and dispose of the same by a **reasoned and speaking order**, after affording adequate opportunity of hearing to both parties, **within thirty (30) days from the date of communication of this judgment.**
9. In the event the appellant/husband fails to avail the opportunity of hearing despite due notice, the learned Trial Court shall be at liberty to proceed in accordance with law and dispose of the said application on the basis of the materials available on record.
10. In the impugned order dated 17.05.2025 the next date was fixed for recording of evidence, respondents at liberty to submit W/O and affidavit of assets and liabilities. The purpose of the next date for filing affidavit of assets and liabilities by the Respondent/husband is struck out as the TCR reflected that the respondent/husband already filed the affidavits of assets and liabilities on 14.11.2024.
11. Save and except the aforesaid modification regarding the quantum of interim monetary relief and the above directions, the remaining part of the impugned order dated 17.05.2025 shall remain **unaltered.**
12. The interim order of stay, if any, stands vacated.
13. All the interlocutory applications are accordingly disposed of.

Let a copy of this judgment along with the Lower Court Records be transmitted forthwith to the learned Judicial Magistrate, 9th Court, Alipore, South 24 Parganas for information, compliance and expeditious disposal of the pending application in accordance with law.

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

The appeal is, accordingly, **disposed of**.

The judgment is accordingly delivered and pronounced in the open Court.

Let a soft copy of the order be uploaded in the CIS as per the modalities of law.

Note the Disposal in Germane Register.”

D/C by me.

Addl. Dist & Sessions Judge,
F.T.C.-VIII, Alipore.

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F.T.C.-VIII, Alipore.