

05.10.2021

Ct No. 35

D/L 34

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C.R.R. 2007 of 2021
(Via Video Conference)

Re: An application under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973.

In re : **Smt. Ispita Mitra Roy,**

... Petitioner

Mr. Aniruddha Chatterjee,
Mr. Debabrata Roy,

... for the petitioner

Mr. Ranadeb Sengupta,

... for the opposite party no. 2

It appears that the learned Judicial Magistrate, 7th Court, Alipore, South 24 Parganas, by an order dated August 8, 2021, disposed of an application filed by the wife/petitioner under Section 125 of the Code of Criminal Procedure, 1973, *inter alia*, holding that the petitioner is entitled to get a maintenance of Rs. 30,000/- per month.

It further appears that the learned Magistrate has fixed September 17, 2021, for determination of the amount due as arrear-maintenance.

The parties were directed to submit their respective calculation sheets with regard to the due amount of maintenance to be paid by the husband/opposite party no. 2.

Mr. Aniruddha Chatterjee, learned advocate appearing for the petitioner/wife submits that the husband/opposite party no.

2 is not paying the maintenance regularly, while Mr. Ranadeb Sengupta, learned advocate appearing for the opposite party no. 2 submits that maintenance is being paid regularly in terms of the Supreme Court's order dated April 15, 2019, passed in Criminal Appeal No. 678 of 2019 at the rate of Rs. 30,000/- per month.

Since it appears that the learned Magistrate in the Court below has fixed the next date to ascertain what is the amount due towards maintenance and directed the parties to produce their respective calculation sheets, I do not feel that any interference is called for at this stage.

It is only expected that learned Judicial Magistrate, 7th Court, Alipore, South 24 Parganas will make an endeavour to ensure that such exercise is carried out expeditiously.

With the observations as above, the revisional application being **C.R.R. 2007 of 2021** is disposed of.

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

(Kausik Chanda, J.)