

24-03-2022
Subha
Item no. 23
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

C.R.R 826 of 2020

In the matter of : Rekha Singh

.....petitioner.

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

Ms. Sourav Chatterjee
...for the H. C. Legal Services Authority.

Mr. Gourav Purkayastha
Mrs. Swapna Paul
.....opposite party.

Mr. Chatterjee, learned advocate appears on behalf of the
petitioner representing the High Court Legal Services Authority.

Mr. Purkayastha, learned advocate appears on behalf of the
private opposite party.

The affidavit of assets and supplementary affidavit of assets
so filed by the learned advocate for the private opposite party be
transmitted to the learned jurisdictional court/trial court with
photocopies of the same being retained in the record of the revisional
application.

The learned Magistrate would consider the contents of
such affidavit of assets being filed at the instance of the opposite party
no.2 and quantify the amount of maintenance. As an interim measure,
I am of the opinion that the order dated 17.12.2019 which awarded

interim maintenance of Rs.1,000/- per month to the wife and Rs.1,000/- to the child is absolutely a freebie amount on which one individual cannot sustain.

Thus, the said amount are altered to Rs.5,000/- per month to the wife and Rs.5000/- per month to the minor child aggregating to a sum of Rs.10,000/- per month to be paid in the mode and manner as decided by the learned Magistrate. However, this amount would be made effective from the month of January, 2022 and any arrears to be calculated are from the month of January, 2022.

The learned trial court would thereafter proceed with the trial of the case by fixing at least one day in a month so that the same can be taken to its logical conclusion within a period of one year from the date of communication of this order.

No unnecessary adjournments should be granted to either of the parties. Needless to state that the amount which has been enhanced should not be a guiding issue for the learned Magistrate in future and the learned Magistrate would independently decide on the evidence which would surface in course of the trial .

With the aforesaid observations, the revisional application being CRR 826 of 2020 is disposed of.

All pending applications, if any, in connection with the revisional application, are consequently disposed of.

Interim order, granted earlier, is hereby vacated.

Department will communicate this order to the jurisdictional court. The jurisdictional court would, thereafter issue a notice and see to that the applicant/petitioner appears within a

fortnight from the date of the issuance of the notice.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]