

14.11.2022

Item No.54
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 883 of 2021

**Manashi Manna
versus
Nakul Chandra Manna & Anr.**

In Re: An Application under Section 482 read with Sections 397 and 402 of the Code of Criminal Procedure, 1973.

Mr. Sabyasachi Mukherjee,
Mr. Bibek Dey ... For the Petitioner.

Mr. Benazir Ahmed ... For the Opposite Party No.1.

Mr. Bibaswan Bhattacharya ... For the State.

Report dated 09.11.2022 submitted by Mr. Bibaswan Bhattacharya, learned advocate appearing for the State be kept on record.

Pursuant to the State informing the husband/opposite party no.1, learned advocate appears and represents the husband/opposite party no.1. learned advocate for the husband/opposite party no.1 has filed a revisional application being Criminal Revision No. 25 of 2022 before the learned District & Sessions Judge, Barasat. The said revisional application is still pending before the said Court.

Learned advocate appearing for the wife/petitioner submits that the petitioner has not been informed or served with a copy of the said revisional application.

In the present revisional application before this Court, the grievance canvassed is for enhancement of the quantum of maintenance which was granted by learned Judicial Magistrate, 2nd Court, Barasat in M. Case No 546 of 2018

wherein the learned trial court on completion of evidence was pleased to pass an order directing the husband/opposite party no.1 to pay maintenance of Rs.8,000/- per month to the wife/petitioner and Rs.6,000/- per month to the minor son.

Learned advocate for the petitioner submits that the husband/opposite party no.1 has huge earning and is carrying on business and the petitioner being a housewife is unable to substantiate proper documents for satisfying the court regarding the quantum of maintenance to be granted.

It has been informed by the husband/opposite party no.1 that the learned sessions court in Criminal Revision No. 25 of 2022 has modified the order of quantum of maintenance passed by the learned Judicial Magistrate.

I have considered the issues involved in this revisional application filed by the wife/petitioner as also the plight of the husband/opposite party no.1 regarding the order of maintenance being passed *ex parte*. In view of the issues involved, the following directions are being passed :

1. The revisional application being Criminal Revision No. 25 of 2022 pending before the learned Sessions Judge, Barasat or any court delegated by the learned Sessions Judge for disposing of the said revisional application is deemed to be disposed of and any interim order passed therein is hereby vacated.

2. The husband/opposite party no.1 would be entitled to adduce his evidence before the learned Judicial Magistrate, 2nd Court, Barasat and for that purpose, if required, cross-examination of the present petitioner being the applicant would be permitted by the learned Judicial Magistrate, 2nd Court, Barasat.
3. If any unnecessary adjournment is sought for by the husband/opposite party no.1 for two consecutive dates, learned trial court would close the evidence.
4. Both the parties would be allowed to file affidavits for establishing to the limited extent the capacity of the financial condition of the other side, in addition, the wife/petitioner before this Court would be entitled to place her requirement in the said affidavit including the medical expenditure, education and other expenses of the child.
5. Till the evidence of the case is over, the husband/opposite party no.1 would continue payment of Rs.8,000/- per month to the wife and Rs.6,000/- per month to the minor son.
6. Any dues which have already accrued should be cleared in the execution case pending by 28.02.2023.
7. So far as the evidence of the case is concerned, the same should be concluded by the second week of May 2023.

With the aforesaid observations, the revisional application being CRR 883 of 2021 is disposed of.

All pending connected applications, if any, are consequently disposed of.

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

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

(Tirthankar Ghosh, J.)