

D/L62
20.09.2022
Bpg.

C.R.R.993 of 2021

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

Souma Sankar Mondal
Versus
Smt. Soumi Mondal Nee Dutta

Mr. Sanat Kr. Das,
Mr. Anirban Guhathakurta,
Mr. Sujan Chatterjee.
...for the petitioner.

Mr. Soumyajit Das Mahapatra,
Mr. Supriyo Das.
..for the opposite party.

The revisional application was preferred challenging the judgment and order dated 09.03.2021 passed by the learned Additional Sessions Judge, City Sessions Court, First Track Court-2, Bichar Bhawan, Calcutta in connection with Criminal Appeal No.255 of 2019 arising out of an order dated 30th October, 2019, passed by the learned Metropolitan Magistrate, 15th Court, Calcutta in connection with Misc. Case No.39 of 2018 under Sections 12/23 of the Protection of Women from Domestic Violence Act, 2005.

The grievance of the petitioner was a quantum which was awarded by the learned Metropolitan Magistrate and affirmed by the learned appellate court.

I have considered the submissions of Mr. Guhathakurta, learned advocate appearing for the petitioner and Mr. Mahapatra, learned advocate appearing for the private opposite party. I have also considered the fact that pursuant to the order passed by this

Court, a sum of Rs.6,70,000/- was paid within a scheduled date fixed by this Court.

In view of the aforesaid, the warrant of arrest, if issued or pending be recalled and kept in abeyance till 30th November, 2022.

Inner page six of the order dated 30th October, 2019 passed by the learned Metropolitan Magistrate, 15th Court, Calcutta reflects that the learned Magistrate was convinced for awarding the amount of Rs.80,000/- per month as no scrap of paper could be produced at the instance of the husband/petitioner before the court when the contention of the wife was considered by the learned Magistrate while arriving at or deciding the quantum of maintenance to be awarded by way of interim monetary relief.

Mr. Anirban Guhathakurta, learned advocate appearing for the petitioner and Mr. Soumyajit Das Mahapatra, learned advocate appearing for the private opposite party are directed to file their affidavit of assets before the learned Metropolitan Magistrate, 15th Court, Calcutta by 30th September, 2022.

Learned Magistrate, according to the court's convenience, would fix dates apart from the regular date of evidence and re-hear on the issue of interim monetary relief. Learned Magistrate would be at liberty to either amend the amount which was already granted or retain the said amount after arriving at his conclusion regarding analysis of affidavit of assets placed before the court. The whole of the process must be completed by 30th November, 2022.

With the aforesaid observations, CRR 993 of 2021 is disposed of.

Pending applications, if any, is consequently disposed of.

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

(Tirthankar Ghosh, J.)