

06.04.2022

Item No.61
Ct.No.34
dc.

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

C.R.R. 1736 of 2019

**Jyoti Bhusan Singh
versus
The State of West Bengal & Anr.**

In Re: An Application under Section 397 read with Section 401 of the Code of Criminal Procedure.

Mr. Palash Mukherjee,
Mr. M. Mukherjee ... For the Petitioner.

Mr. Ajit Kumar Mishra,
Mr. Indrajit Chatterjee,
Mr. Abhishek Acharya ... For the Opposite Party No.2.

Affidavit-in-reply filed on behalf of the petitioner be kept on record.

The present revisional application has been preferred challenging the judgment and order dated 16.04.2019 passed by learned District and Sessions Judge, Howrah in Criminal Appeal No. 83 of 2017. The said appeal was preferred against the order dated 04.08.2017 passed by learned Judicial Magistrate, 2nd Court, Howrah in connection with Misc. Case No. 276 of 2016.

I find that the learned Magistrate after consideration of several parameters, arrived at his finding for interim monetary relief which included Rs.8000/- per month to be awarded to the wife and Rs.3500/- per month to each of the two minor daughters.

Having regard to the reasons so assigned by the learned trial court as well as the learned appellate court, I do

not find any scope for interference regarding the award of maintenance which has been passed.

Learned advocate appearing for the petitioner submits that there are documents in custody of the petitioner which would reflect that the petitioner's earning has reduced with passage of time more particularly, during the last two years of pandemic. According to the learned advocate, the petitioner is presently engaged in private tuition and that is the only source of his earning.

Be that as it may, these are issues of evidence which the petitioner has to adduce before the learned trial court at the appropriate stage. I direct that in case, the petitioner in course of evidence is able to substantiate his claim for reducing the maintenance amount, the learned trial court would consider the same on the basis of the evidence which is produced at the end of the trial.

With the aforesaid observations, the revisional application being CRR 1736 of 2019 is disposed of.

Interim order, if any, is hereby vacated.

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.)