

D/L31
06.12.2022
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C.R.R 1964 of 2021

In Re: A petition under Section 482 of the Code of Criminal Procedure,
1973;

Sujata Kaur Wilkhoo
Versus
Amarjit Singh Wilkhoo

Mr. Soumik Ganguli,
Mr. Avik Kumar Das,
Mr. Dilip Kr. Sadhu.
...for the petitioner.

Mr. Saryati Datta.
...for the State.

Report so submitted by Mr. Saryati Datta, learned
advocate appearing for the State be kept with the record.

Report reflects that service has been effected upon the
opposite party/husband.

The revisional application was preferred challenging the
judgment and order dated February 19, 2021 passed by the learned
Additional Sessions Judge, Fast Track Court, Katwa, Purba
Bardhaman in Criminal Revision No.24 of 2019 wherein the learned
sessions court/revisional court was pleased to affirm the order
dated January 17, 2019 passed by the learned Judicial Magistrate,
2nd Court, Katwa, Purba Bardhaman.

Record reflects that that the learned Judicial Magistrate,
2nd Court, Katwa, Purba Bardhaman in Misc. Case No.112 of 2018
was pleased to award interim maintenance to the tune of
Rs.6,000/- per month in favour of the petitioner/wife and

Rs.5,000/- per month in favour of the minor son, aggregating to a sum of Rs.11,000/- per month.

Mr. Soumik Ganguli, learned advocate appearing for the petitioner/wife submits that the husband is presently earning around Rs.1,29,000/- per month as salary apart from other sources of income.

Having considered the submissions so advanced in the backdrop of the quantum of maintenance so awarded, I direct that the petitioner/wife would adduce evidence in respect of the salary receipt which is in her custody before the learned Judicial Magistrate, 2nd Court, Katwa, Purba Bardhaman. If the learned Magistrate is convinced regarding the genuinity of the document, then the learned Magistrate after hearing both sides would reconsider the quantum so awarded by its order dated 17th January, 2019. If the learned Magistrate is convinced regarding the salary receipt in that case learned Magistrate would exercise his discretion to award an amount which would be between 1/4th to 1/3rd of the salary of the opposite party/husband. The said award should be for the aggregating sum of the wife and the minor son. Learned Magistrate thereafter would proceed with the evidence of the case and come to its logical conclusion.

If an application for enhancement is made pursuant to the order passed by this Court before the learned Magistrate, learned Magistrate would dispose of the same within a period of 45 days from the date of the said application.

With the aforesaid observations, CRR 1964 of 2021 is

disposed of.

Pending application, 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.

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

(Tirthankar Ghosh, J.)