

06.04.2022

Item No.62
Ct.No.34
dc.

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

C.R.R. 1868 of 2019

**Shrimati Papiya Biswas
versus
The State of West Bengal & Anr.**

In Re: An Application under Section 401 of the Code of Criminal Procedure, 1973.

Mr. Sourav Chatterjee,
Ms. Sumitra Das,
Ms. Riya Chatterjee ... For the Petitioner.

Mr. Sudip Ghosh Chowdhury,
Mr. Argha Das,
Mr. Abhishek Bose ... For the Opposite Party No.2.

The present revisional application has been preferred challenging the judgement and order dated 18.12.2018 passed by learned Judicial Magistrate, 6th Court, Alipore in ACM 1032 of 2016 under Section 125 of the Criminal Procedure Code.

I have perused the award which has been passed by the learned Magistrate by way of interim maintenance which is not commensurate with the status, the wife and minor daughter should enjoy in respect of an employee of a nationalised bank. Without going into the details, I direct that the award, being a flea bite award, should be set aside.

The husband/opposite party no.2 is directed to pay interim maintenance of a sum of Rs.7500/- per month to the wife and Rs.7500/- per month to the daughter on and from the date of filing of the application.

However, if the opposite party no.2 is able to produce appropriate documents regarding the amount received by him from the Bank, the learned Magistrate would be at liberty to reconsider and/or alter the amount after affording opportunities to both the parties.

Accordingly, the order dated 18.12.2018, passed by learned Judicial Magistrate, 6th Court, Alipore in ACM 1032 of 2016 under Section 125 of the Criminal Procedure Code, so far as it relates to the amount of maintenance is concerned, is set aside. The quantum of maintenance should be in accordance with the direction made above and as directed from the date of filing of the application.

With the aforesaid observations, the revisional application being CRR 1868 of 2019 is allowed.

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.)