

30-03-2022
Subha
Item - 57
Ct -.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

C.R.R 2137 of 2019

In Re: An application under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973.

In the matter of : ***Nibadita Mondal***

..... petitioner.

Mr. Prakash Chandra Mondal

Mr. Dinesh Chandra Mondal

.....for the Petitioner.

In spite of service, none appeared on behalf of the private opposite party.

Mr. Mondal, learned advocate appearing on behalf of the petitioner refers to a document of Eastern Railways reflecting provisional salary for the month of June, 2019 wherein the basic pay has been shown to be Rs.33,300/-.

In view of such contention advanced by the learned advocate for the petitioner relying upon the particular document, I am of the opinion that the amount of maintenance which has been awarded on the foundation that the petitioner happens to be a Group 'D' staff with a salary of Rs.10,000/- to Rs.11,000/-, which was the basis of the foundation is questionable.

Accordingly, the petitioner is directed to produce the document referred to in page 22 of the revisional application before the learned Magistrate. The learned Magistrate would assess the

authenticity from the Eastern Railway Authorities and if the Magistrate is satisfied regarding the document which reflects the basic salary to be Rs.33,000/- except the allowances, in that case by way of an interim measure, the learned Magistrate would award maintenance of Rs.7500/- per month to the wife and Rs.7500/- per month to the minor child aggregating to a sum of Rs.15,000/ with full arrears from the date of filing of the application.

With the aforesaid observations, the present revisional application being CRR 2137 of 2019 is disposed of.

The petitioner is directed to approach the jurisdictional court within a period of a fortnight from date when the learned Magistrate would take steps for resolving the issue in the mode and manner as has been directed above.

All pending applications, if any, in connection with the revisional application, are consequently disposed of.

All parties are to act in terms of a website copy of this order duly downloaded from the official website of this court.

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Tirthankar Ghosh, J.)

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