

10.02. 2022
item No.33
n.b.
ct. no. 34

(via video conference)
CRR 2752 of 2017
Smt Arpita Chatterjee
Vs.
The State of West Bengal & anr.

Mr. Sujoy Sarkar
...For the State

None appears for the petitioner.

Mr. Sarkar, learned advocate appearing for the State is present.

The subject matter of challenge relates to the order dated 18.5.2017. Records reflect that the application under Section 125 of the Code of Criminal Procedure was filed in the year 2016 and the learned Magistrate by way of interim maintenance was pleased to award Rs.1,000/- per month.

In view of the order which has been passed by way of interim measure during the pendency of the main application under Section 125 of the Code of Criminal Procedure I am of the view that that the same do not call for interference at this stage.

However, if the main proceedings till date has not been disposed of, the learned Magistrate would consider the overall cost of living required for an individual while disposing of the main application. In case the main proceedings have been completed, the learned Magistrate would grant opportunity to the petitioner to prefer an application under Section 127 of the Code of Criminal

Procedure, having regard to the fact that more than five years have passed since the application under Section 125 of the Criminal Procedure Code has been filed and decide whether any enhanced amount can be awarded or not.

With the aforesaid observations CRR 2752 of 2017 is 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.)