

08-03-2022
Subha
Item-22 & 23
Ct -.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

C.R.R 1953 of 2019

Amit Kumar Mohta @ Amit Mohta

-Vs-

State of West Bengal & Anr.

with

C.R.R 2881 of 2019

IA No. CRAN 1 of 2019

(Old CRAN No. 3922 of 2019)

Indra Mohta

-vs-

State of West Bengal & Anr.

Mr. Ayan Bhattacharjee

Mr. Sharequl Haque,

Mr. Zohaib Rauf

Mr. Aditya Ratan Tiwary,

Mr. Amitabrata Hait

.....for the Petitioner in CRR 1953 of 2019.

Mr. Ratanlal Joshi

....for the opposite party in CRR 1953 of 2019.

Mr. Ratanlal Joshi

....for the petitioner in CRR 2881 of 2019.

Mr. Ayan Bhattacharjee,

Mr. Sharequl Haque,

Mr. Zohaib Rauf,

Mr. Aditya Ratan Tiwary,

Mr. Amitabrata Hait

...for the O. P. in CRR 2881/2019.

Both the revisional applications are taken up together
for hearing.

The affidavit of assets has been filed both by the
petitioner/husband, Amit Kumar Mohta @ Amit Mohta as also the

opposite party/wife, namely Indra Mohta.

Let the affidavit of Assets and Liabilities filed by the petitioner and the opposite party be kept with the record.

The subject matter of challenge in both the revisional application i.e, CRR 1953 of 2019 and CRR 2881 of 2019 relate to the judgement and order dated May 28, 2019 passed by the learned Additional Sessions Judge, 1st Fast Track Court, Bichar Bhawan, Calcutta in Criminal Appeal No. 37 of 2018. While the petitioner/husband has approached this court for reduction of the quantum awarded by the learned appellate court, the wife/opposite party has approached this court in CRR 2881 of 2019 for revising and enhancing the amount which has been drastically reduced.

In view of the affidavit of assets being furnished before this court pursuant to the judgement and order delivered by the Hon'ble Supreme Court in ***Rajnesh -vs- Neha*** reported in **2020 SCC online SC 903**, I am of the opinion that let the subject matter of the revisional applications be freshly decided and adjudicated only on the point of maintenance of the learned trial court.

Accordingly, the affidavit of assets so filed before this court be transmitted to the learned trial court and the learned trial court would proceed with the same treating the affidavit of assets as part of records of the trial court.

Needless to state that the learned trial court need not restrict itself to the quantum decided by the learned appellate court and would be at liberty to arrive at its own finding on the basis of

the affidavit of assets so filed before the same court.

Let such decision be arrived at by the learned trial court within a period of 60 days from the date of the communication of this order.

With the aforesaid observations, CRR 1953 of 2019 is disposed of.

Department is directed to communicate this order to the court of the learned Metropolitan Magistrate, 14th court, Calcutta in course of this week preferably by 11th March, 2022.

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

Interim order, if any, is, hereby vacated.

Re : CRR 2881 of 2019(CRAN 1 of 2019)

Since the subject matter of challenge in this revisional application relate to the same order passed by the learned Additional Sessions Judge, 1st Fast Track Court, Bichar Bhawan, Calcutta in Criminal Appeal No. 37 of 2018 which has been dealt with in CRR 1953 of 2019, the present revisional application would be covered by the order passed in CRR 1953 of 2019.

With the aforesaid observations, CRR 2881 of 2019 is also disposed of.

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

Interim order, if any, is, hereby vacated.

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

(Tirthankar Ghosh, J.)

