

22-03-2022
Subha
Item-81
Ct -.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

C.R.R 3481 of 2018

In Re: An application under Sections 397/401 read with Section 482 of the Code of Criminal Procedure, 1973.

In the matter of : **Smt. Rekha Devi**

...Petitioner.

Mr. Probal Kumar Mukherjee, Sr. Advocate,
Ms. Shaoni Dey

.....for the Petitioner.

Mr. Kunal Dey
Mr. Tirupati Mukherjee

.....for the O. P. No.2.

By an order dated 5th March, 2019, a Co-ordinate Bench of this court was pleased to stay the order passed by the learned revisional court in Criminal Appeal No. 06 of 2018 and directed the opposite party no.2 to continue payment by way of interim monetary relief to the petitioner/wife and the minor child at the rate of Rs.4,000/- per month and Rs.3,000/- per month respectively aggregating to a sum of Rs.7,000/- per month.

The subject matter of monetary relief was granted by way of an interim measure and the stage at which the issue was considered, no evidence was adduced before the court.

Having regard to the stage at which the opposite party no.2 preferred the appeal or the present petitioner preferred revisional application, I am of the opinion that the interim order so passed by the learned Co-ordinate Bench would continue till the learned

Magistrate arrives at his finding on the quantum of monetary relief to be awarded after assessing the salary of the opposite party no.2.

With the aforesaid observations, the revisional application being CRR 3481 of 2018 is disposed of.

Needless to state that the learned Magistrate will independently consider the quantum to be awarded after fresh materials are placed before the learned Magistrate and should not be influenced by any observation passed by this court.

Mr. Mukherjee, learned senior advocate appearing on behalf of the petitioner submits that there are dues pending since March, 2020. If any execution case to that effect is filed before the learned Magistrate, the learned Magistrate would dispose of the same within a period of 90 days from the date of filing of the application.

The interim order so passed is made absolute.

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

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.)

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