

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

Present :

The Hon'ble Justice Bibek Chaudhuri

C.R.R. 4410 of 2022

Samar Dutta

Vs.

Stat of We Bengal & Anr.

For the petitioner : Mr. Abhik Sarkar, Adv.

Heard on : 14.12.2022

Judgment On : 14.12.2022.

Bibek Chaudhuri, J.

The petitioner has challenged an order dated 30th August, 2022 passed by the learned Additional Sessions Judge, 2nd Court at Serampore in Criminal Appeal No.1 of 2020 directing the petitioner to pay interim maintenance allowance at the rate of Rs.3,000/- per month to the opposite party No.2 towards maintenance of their son from the date of application for interim maintenance, i.e. from 8th July, 2019 in addition to interim maintenance at the rate of Rs.500/- per month awarded in favour of the said minor child. The petitioner was directed to pay arrear maintenance within 3 months from the date of order in the Trial Court.

It is submitted on behalf of the petitioner that the petitioner used to work as an employee of a jewellery shop. During Covid

pandemic he lost his job. He has no source of income. Due to financial hardship it is not possible for the petitioner to make payment of entire arrear maintenance within the time stipulated by the learned Judge in the First Court of Appeal. Therefore, by filing the instant revision he has prayed for enhancement of the period of time for payment of interim maintenance allowance as per order passed in Criminal Appeal No.1 of 2020.

This Court exercising power under Sections 397/401 of the Code of Criminal Procedure has no jurisdiction to grant enlargement of time specially when it is frankly submitted by the learned Advocate for the petitioner that he has nothing to submit against the impugned order on merit.

Therefore, this Court is not in a position to enhance the period within which the petitioner is under obligation to make payment of arrear interim maintenance allowance.

Accordingly, the instant revision is dismissed.

However, this order will not preclude the petitioner from making appropriate application with similar prayer in the Trial Court where he is under obligation to make payment of arrear maintenance allowance.

(Bibek Chaudhuri, J.)

***Mithun De/
A.R. (Ct).
SI No.27..***

