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IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION

C.R.R 96 of 2022

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

Mirtunjoy Saha and another
Versus
Smt. Ratna Saha

Mr. Deborshi Dhar.
...for the petitioners.

Learned advocate for the petitioners submits that the petitioners are aggrieved with the order of interim maintenance affirmed by the learned Additional District and Sessions Judge, 2nd Court, Siliguri, Darjeeling in Criminal Appeal No.5 (7) of 2019 wherein the learned appellate court was pleased to affirm the order of interim maintenance dated 17.12.2018 passed by the learned Judicial Magistrate, 2nd Court, Siliguri in Misc. Case No.54 of 2017.

I find that the order which was passed was in the year 2017. The learned Magistrate directed a sum of Rs.8,000/- to be paid as interim maintenance.

Learned advocate for the petitioners disputes the foundation on which a sum of Rs.8,000/- was arrived at by the

learned Magistrate.

Five years have passed since the order was passed. However, there has been complete change in the cost index as also the regular expenditure of an individual.

Having regard to the same, I am not inclined to interfere with the quantum of interim maintenance affirmed by the learned appellate court. However, the petitioners would be at liberty to place the documents in course of the trial and confront the witnesses regarding the regular earning of the son. Learned trial court on an assessment of the evidence would be at liberty to arrive at a fresh finding regarding the quantum at the final stage of the case.

With the aforesaid observations, CRR 96 of 2022 is disposed of.

Pending application, if any, is consequently 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.)

