

M/L10
04.09.2023
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C.R.R.35 of 2023
With
CRAN 1 of 2023

In Re: An application under Section 482 of the Code of Criminal
Procedure, 1973;

Sri Prakash Gupta
Versus
The State of West Bengal and another

Mr. Kunal Ganguly
Mr. Tirthankar Mukherjee
Ms. Madhurima Sarkar
Ms. Jay Choudhury
Ms. Aishwarya Nanda.
...for the petitioner.

Mr. Jagannath Ganguly
Mr. Tanmoy Manna.
...for the opposite party no.2.

The applicant/wife has prayed for vacating the interim order earlier passed on 26.04.2023 by a coordinate Bench of this Court in the present revisional application. There was a direction to pay a sum of Rs.8,000/- per month subject to which there shall be stay of the order passed by the learned Additional Principal Judge, Family Court, Calcutta in connection with Misc. Case No.29 of 2019 under Section 125 of the Code of Criminal Procedure. The learned trial court was pleased to award a sum of Rs.10,000/- per month for the wife and Rs.5,000/- per month for the child by way of interim maintenance by its order dated 21.10.2022.

Having considered the quantum so awarded and having regard to the status of the parties, I am of the opinion that no interference is called for. The contentions so advanced by the

petitioner in the revisional application is a matter to be considered in evidence that the petitioner/husband has lost its job and is without any employment is a subject matter of trial to be considered by the learned trial court. Accordingly, the order dated 21st October, 2022 passed by the learned Additional Principal Judge, Family Court, Calcutta is hereby affirmed.

The interim order earlier granted is hereby vacated.

Consequently, the revisional application being CRR 35 of 2023 is dismissed.

The vacating application being CRAN 1 of 2023 is allowed.

Petitioner is granted liberty to file all the documents at the stage of the evidence of the case or by way of Section 127 of the Code of Criminal Procedure so that the learned Additional Principal Judge, Family Court, Calcutta may, if required, arrive at a fresh decision.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)