

D/L48
27.06.2023
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C.R.R.333 of 2023

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

Sri Manoranjan Bhowmick
Versus
Smt. Jhumpa Bhowmick

Mr. Praloy Bhattacharya
Ms. Priya Ghosal.
...for the petitioner.

The present revisional application has been preferred challenging the order dated 04.11.2022 passed by the learned Additional Sessions Judge, FTC, 2nd Court at Sealdah in Criminal Revision No.08 of 2019.

I have considered the order passed by the revisional court wherein the subject matter of challenge related to interim maintenance of Rs.6,000/- per month being awarded by the learned trial court in M. Case No.13 of 2018. Both the trial court and the learned revisional court have already had an opportunity to address the issue on facts relating to the subject matter of the case particularly the quantum to be awarded. However, the said order has been passed as an interim measure during the pendency of the main application under Section 125 of the Code of Criminal Procedure.

Accordingly, I direct that if the petitioner is able to rebut by way of evidence before the learned Magistrate, then in that case, learned Magistrate will not adhere to the earlier order, but would

take a fresh decision whether to retain the said amount, enhance or decrease the said amount. No further interference can be made by this Court at this stage of the case.

With the aforesaid observations, CRR 333 of 2023 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.

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

(Tirthankar Ghosh, J.)