

19-07-2023
Subha
Item no. 16
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 348 of 2023

Motiur Momin @ Rahaman
-versus-
Munni Bibi and Anr.

Mr. Ramdulal Manna
Ms. Manju Manna
Mr. Sayan Mukherjee
Mr. Payel Khanra
.....for the petitioner.

Petitioner has challenged the order passed by the learned Additional Sessions Judge, Fast Track Court –1, Malda wherein the revisional application was dismissed and the order of interim maintenance passed by the learned Judicial Magistrate, 1st Court, Malda in Case No. 38-M of 2021 awarding Rs.5000/- per month to the wife and Rs.5000/- per month to the minor son aggregating to a sum of Rs.10,000/- was affirmed by the learned Sessions Court while exercising its revisional jurisdiction.

Learned advocate for the petitioner submits that the petitioner is in dire state as he is a tea stall owner which has been demolished and he is presently working as a labour. Apart from the wife and the minor son he has to maintain his ailing parents which is very difficult for him to comply.

The factual circumstances have already been appreciated by the learned Magistrate as well as by the learned first track court while exercising its revisional jurisdiction.

Two courts have considered the factual circumstances and arrived at a finding. This court will not consider any new circumstance which has not been brought either to the notice of the trial court or to the notice of the first revisional court by invoking its powers under Section 482 of the Code of Criminal Procedure.

Accordingly, the petitioner is granted liberty to take out an application under Section 127 of the Code of Criminal Procedure expressing his compulsions, the learned trial court would consider the same in accordance with law. The pendency of any application will not deter the learned trial court to consider any execution case, which is pending before it.

With the aforesaid observations, the present revisional application being CRR 348 of 2023 is dismissed.

Pending applications, if any, are consequently disposed of

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]

