

30.11.2023
Item No.105
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 366 of 2023

In the matter of : **Smt. Debjani Das** ... Petitioner.

Smt. Debjani Das ... Petitioner (In Person).

Mr. Avik Ghatak,
Ms. Afreen Begum ... For the Opposite Party No.1.

Mr. Imran Ali,
Ms. Debjani Sahu ... For the State.

Petitioner's claim for maintenance is for a sum of Rs.30,000/- and her grievance is that the learned Magistrate has awarded a sum of Rs.10500/- per month. The foundation of grievance of the petitioner is based on the factum that although her husband is physically disabled, but he is owner of number of commercial vehicles. The learned Magistrate had the opportunity of considering some of the vehicles.

This Court while adjudicating the revisional application called for a report from the Officer-in-Charge, Women's Grievance Cell, Detective Department, Lalbazar, Kolkata. Accordingly, a report is submitted before this Court. Let the said report dated 16.08.2023 be kept on record. Copy of the said report has been handed over both to the petitioner as well as the private opposite party no.1.

Petitioner has grievance regarding the report particularly in respect of ownership of the vehicles and certain additional materials being available to her which were not considered wherein she claims that although the vehicles are plying and are commercially viable, but under the garb of law, the private opposite party no.1 in order to evade and

reduce the quantum of maintenance has taken up several pleas.

Be that as it may, the petitioner is granted liberty to file an application under Section 127 of the Code of Criminal Procedure restricted to the fact that she would produce additional materials in her possession so far as the commercial vehicles which are within her knowledge and were not taken into consideration by the learned trial court while delivering the order dated 17.11.2022. The learned Magistrate will also take into account the report submitted by the Officer-in-Charge, Women's Grievance Cell, Detective Department, Lalbazar.

If the materials so furnished by the petitioner inspire confidence or do not inspire confidence, the learned Magistrate would express his opinion and arrive at his independent findings without being influenced by any observations made by this court.

The parties are directed to bring the report to the notice of the learned Judicial Magistrate, 5th Court, Alipore in connection with Misc. Case No. 426 of 2009.

With the aforesaid observations, the revisional application being CRR 366 of 2023 is disposed of.

Pending connected application, if any, is consequently disposed of.

All concerned 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 with all requisite formalities.

(Tirthankar Ghosh, J.)