

18-09-2023
Subha
Item no. 91
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 662 of 2023

Gora Chand Mukherjee.
-versus-
Nayana Mukherjee

Mr. Uday Shankar Chattopadhyaya
Mr. Shantanu Maji
.....for the petitioner.

The petitioner has challenged the order dated 19th October, 2022 in connection with Misc. Case No. 269 of 2020 under Section 125 of the Code of Criminal Procedure wherein the learned Magistrate was pleased to award a sum of Rs.7000/- per month to the wife and a sum of Rs.6000/- per month to the minor son as interim maintenance.

Learned advocate for the petitioner has drawn the attention of this court to a document which has been issued by the Joint Block Development Officer wherefrom he intends to submit that Nayana Mukherjee who happens to be the wife of the present petitioner, Gora Chand Mukherjee is employed as BSK. Petitioner therefore submits that such employment has been suppressed by the wife while submitting her affidavit before the court. There is a salary of the BSK which the petitioner by exhausting the relevant provisions could not obtain.

In view of the peculiar circumstances, I direct the learned Magistrate that so far as the quantum of maintenance of Rs.7000/- so directed to be paid to the wife will continue for the time being but however the learned Magistrate will insist on the Joint Block Development Officer, Panduah Hooghly to submit the salary receipt or any form of money/wages paid to Nayana Mukherjee, BSK to produce before the court. Learned Magistrate would take into account the sum and

thereafter would decide whether in future the sum of Rs.7000/- per month awarded to the wife would continue or not. So far as the amount of Rs.6000/- per month to be paid to the minor is concerned, the same would continue. Learned Magistrate will thereafter proceed with the trial of the case and dispose of the case as expeditiously as possible.

With the aforesaid observations, the revisional application being CRR 662 of 2023 is disposed of.

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]