

18.07.2023

Item No.49
Ct.No.34
dc.

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

C.R.R. 671 of 2023

In the matter of : **Gopal Sarkar** ... Petitioner.

Mr. Shyamal Majumder ... For the Petitioner.

The petitioner is aggrieved by the fact that award of interim maintenance of Rs.3000/- per month was directed to be paid to the wife and Rs.2000/- per month each for the minor children, aggregating to a sum of Rs.7000/- per month. Having regard to the cost of the essentials and daily requirements, the sum which has been awarded by the learned Judicial Magistrate, 2nd Court, Barrackpore in M Case No. 957/2021 cannot be said to be excessive. Having regard to the same, there is no interference in respect of the order of interim maintenance is concerned.

If the petitioner is able to make out a proper case rebutting the contentions and the foundation on which such order of interim maintenance was awarded, at the final stage of the application under Section 125 of the Code of Criminal Procedure, the learned Magistrate would be at liberty to arrive at a fresh quantum of maintenance.

With the aforesaid observations, the revisional application being CRR 671 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.)