

19.09.2023
Item No.33
Ct.No.34
dc.

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

C.R.R. 736 of 2023

In the matter of : **Binoy Sarkar**

... Petitioner.

Mr. Shibaji Kumar Das,

Ms. Rupsa Sreemani ... For the Petitioner.

Mr. Das, learned advocate appearing for the petitioner has challenged the order dated 10.08.2022 which related to interim maintenance granted in M. Case No. 472 of 2019 by the learned Judicial Magistrate, 5th Court, Barrackpore.

I find that the amount which has been granted is not sufficient to be interfered with by this Court. However, there may be constraints and other factual circumstances, in that case, the petitioner being the husband would be at liberty to prefer an application under Section 127 of the Code of Criminal Procedure before the learned Judicial Magistrate, 5th Court, Barrackpore. However, if such an application under Section 127 of the Code of Criminal Procedure is filed, the same would be disposed of by the learned trial court in accordance with law within a period of three months from the date of filing of the said application.

The petitioner will go on paying the interim maintenance in the meantime.

With the aforesaid observations, the revisional application being CRR 736 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.)