

04.09.2023
Serial no. 12
[G.S.D]

CRR 795 of 2023
With
CRAN 1 of 2023

In the matter of : Debanuj Chakraborty

... .. Petitioner

Mr. Debajyoti Deb
Mr. Somdyuti Parekh

... for the petitioner

Ms. Minal Palana

... For the O.P.

This revisional application has been preferred against an order dated 24th January, 2023 passed by the Learned Additional Sessions Judge, 14th Court, Alipore in Criminal Appeal No. 70 of 2021 wherein the subject-matter of challenge was an order dated 16th March, 2021 passed by the Learned JM, 6th Court, Alipore in C. Case No. 2312 of 2019 under Section 23 of the PWDV Act.

The Appellate Court, in fact, affirmed the judgment and order passed by the Learned JM, 6th Court, Alipore which was passed on 16.3.2021 dismissing the appeal which was preferred.

Learned Advocate for the O.P. has taken out a vacating application being CRAN 1 of 2023. I find that at the time of admission of the present revisional application, a Co-

ordinate Bench of this Court, was pleased to grant interim order to the extent that the present petitioner would go on paying a sum of Rs.7000/- per month without prejudice to the rights and contentions, which may arise in future.

The applicant/mother is a teacher of Jewish Girls School. The petitioner in the main revisional application is working as an Executive at Aditya Birla Sun Life Insurance Company Limited.

It has been submitted by Mr. Deb, Learned Advocate for the petitioner, that the girl is aged about six years and is studying at South Point School.

Having regard to the status of the parties, I am of the view that a quantum of Rs.15,000/- as awarded by the Learned JM and affirmed by the Learned Appellate Court, calls for no interference in view of the cost of education along with the attending expenses, is required to be incurred for the said purposes, leaving aside the rest of the expenditures.

Consequently, the interim order dated 21.3.2023 passed by this Court in the revisional application is hereby vacated.

The arrears, if any, be paid by three instalments.

Having regard to the quantum of Rs.15,000/- being fit and proper, I am of the opinion that no interference is

called for in the present revisional application, as the amount was decided at an interim stage.

However, the petitioner would be at liberty to adduce evidence at the appropriate stage of the trial expressing his incapacity to pay such amount which would include within its ambit, his earnings as well as other liabilities to be incurred. The Learned Trial Court would consider the same in accordance with law and thereafter decide regarding the quantum to be awarded at the final stage of the case.

With the aforesaid observations, CRR 795 of 2023 is disposed of.

CRAN 1 of 2023 is allowed.

Pending application, if any, is consequently disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court at Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)