

D/L48
12.10.2023
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C.R.R.1014 of 2023

In Re: An application under Section 482 read with Section 401 of the
Code of Criminal Procedure, 1973;

Gopal Chakraborty
Versus
The State of West Bengal and another

Mr. Manas Kumar Das.
...for the petitioner.

Petitioner challenges the order dated 29.08.2022 passed
by the learned Additional Sessions Judge, 2nd Court, Katwa in
Criminal Revision No.178 of 2019

I find that in the said order the learned Additional
Sessions Judge, 2nd Court, Katwa was pleased to modify the
monthly maintenance to the tune of Rs.4,500/- per month to be
paid to the wife and Rs.4,500/- per month to the minor daughter
aggregating to a sum of Rs.9,000/- per month which was to
commence from 29.08.2022. The very foundation of the order was
that the husband was working as an employee (Group-D staff of
PWD).

Having regard to the fact that the husband was employed
with the Public Works Department which is a Government
Department, I am of the opinion that the amount so awarded is not
excessive which would call for interference by this Court.

Mr. Das, learned advocate appearing for the petitioner
submits that there are other compulsion and liability of the present

petitioner.

Accordingly, I grant liberty to the petitioner to take out an application under Section 127 of the Code of Criminal Procedure. Petitioner by way of evidence would be entitled to adduce the same. If the learned Judicial Magistrate in seisin of the matter is satisfied in respect of the evidence, it would be the discretion of the learned Magistrate to alter the maintenance amount so awarded. For the time being, the petitioner is directed to comply with the order dated 29.08.2022 passed by the learned revisional court.

With the aforesaid observations, CRR 1014 of 2023 is disposed of.

Pending application, if any, is consequently disposed of.

All 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 of all requisite formalities.

(Tirthankar Ghosh, J.)