

09.08.2023

Item No.54  
Ct.No.34  
dc.

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

**C.R.R. 1153 of 2023**

In the matter of : **Dr. Jyoti Biswas**

... Petitioner.

Mr. Navanil De,  
Mr. Rajeshwar Chakraborty,  
Mr. Srinjan Ghosh  
Mr. Subhrajit Dey,  
Ms. Monami Mukherjee                      ... For the Petitioner.

The petitioner has challenged the order passed in Criminal Motion No. 98 of 2022 by the learned Additional District and Sessions Judge, Fast Track 4<sup>th</sup> Court, Alipore, South 24-Parganas in respect of A.C.M. Case No. 734 of 2021 under Section 125 of the Code of Criminal Procedure pending before the learned Additional Chief Judicial Magistrate, Alipore.

Mr. De, learned advocate appearing for the petitioner submits that the wife/opposite party is presently earning. She has a boutique and she has substantial sources of income. As such after divorce, her application under Section 125 of the Code of Criminal Procedure which was incorporated for the purposes of destitute and vagrancy are not attracted in the present case. The affidavit which has been filed before the learned trial court is challenged by the learned advocate for the petitioner as he submits that although the wife/opposite party is earning by way of carrying on business, she has declared herself to be unemployed.

Be that as it may, these are question of facts. The petitioner is granted liberty to canvass such points at the time of hearing of the interim application which is pending before the learned Magistrate.

With the aforesaid observations, the revisional application being CRR 1153 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.)**