

20.03.2023
Ct. No.34
S/L No.17
KS

C.R.R. 1134 of 2021
With
IA No. CRAN 1 of 2022

Abhijit Palit
-Vs.-
The State of West Bengal & Anr.

Mr. Kallol Mondal
Mr. Krishan Ray
Mr. Souvik Das
Mr. S. Ansari
Mr. A. Mondal

.....For the Petitioner

Supplementary Affidavit so filed be kept with the record.

The revisional application has been preferred challenging the judgment and order dated 20.03.2021 passed by the learned Additional District and Sessions Judge, Fast Track, 2nd Court, Alipore in Criminal Appeal No.45 of 2019.

The records of the revisional application reflect that learned Judicial Magistrate, 2nd Court, Alipore in AC Case No.272 of 2017 was pleased to award a sum of Rs.12,000/- as interim monetary relief to the opposite party/aggrieved person alongwith the sum of Rs.3,000/- every month towards alternative accommodation as residence.

The present petitioner preferred an appeal, however, the learned Special Court in Criminal Appeal No.45 of 2019 was pleased to dismiss the appeal.

Having regard to the order of the learned Magistrate which was passed on 27th December, 2018 which is almost four and half years and the

learned Appellate Court not affirming such order, I am of the opinion that the facts which have been presented alongwith the documentary evidences relied upon by the present petitioner/husband for consideration of the quantum should be agitated in course of the trial.

Accordingly, the present petitioner/husband would be entitled to place the documents so relied upon for rebutting the case of aggrieved person both relating to quantum and any other reliefs sought for. The learned Magistrate would in the facts and circumstances of the present case consider the issues so raised and would not be influenced by any observation made by this Court or the Appellate Court while disposing of the appeal. Learned Trial Court would cross-check regarding the capacity and competence of the petitioner in respect of the amount so claimed and/or granted at the interim stage and if required would alter the same, the said issue is kept open till disposal of the trial.

All efforts must be taken by the learned Trial Court to complete the trial by 31st March, 2024.

With this above observation, C.R.R. 1134 of 2021 is disposed of.

Pending applications, if any, are consequently disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)