

D/L67
20.12.2023
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C.R.R.1387 of 2023
with
CRAN 1 of 2023

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

Saikat Sain
Versus
The State of West Bengal and another

Mr. Swapan Kumar Chatterjee
Mr. Sourav Mukherjee.
...for the petitioner.
Mr. Kiron Sk.
...for the opposite party no.2.

Mr. Imran Ali
Ms. Debjani Sahu.
...for the State.

Affidavit of service so filed be kept with the record.

So far as the connected application being CRAN 1 of 2023 is concerned, according to the learned advocate, since the petitioner has appeared before the learned Magistrate, the application has become infructuous. Accordingly, CRAN 1 of 2023 is dismissed as infructuous.

So far as the main revisional application is concerned which relates to the order dated 01.08.2022, learned advocate submits that the petitioner has annual income of Rs.90,000/- and he has been foisted with interim maintenance of Rs.25,000/- per month (Rs.15,000/- per month to the wife and Rs.10,000/- per month to the minor daughter). Petitioner intends to produce certain documents. The said documents were to be produced before the learned Magistrate. In case the petitioner finds that the amount

which has been awarded is excessive and beyond his capacity to pay, the petitioner would be at liberty to take out an application under Section 127 of the Code of Criminal Procedure. Learned Magistrate would consider the said application on its own merits and dispose of the same within a period of three months from the date of filing of such application.

With the aforesaid observations, CRR 1387 of 2023 is disposed of.

Pending connected 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.)