

25.08.2023

Item No.67
Ct.No.34
dc.

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

C.R.R. 1460 of 2023

In the matter of : **Subrata Sarkar** ... Petitioner.

Mr. Amit Bikram Mahata ... For the Petitioner.

Mr. Navanil De,
Ms. Monami Mukherjee ... For the Opposite Party No.1.

Mr. Narayan Prasad Agarwala,
Ms. Manisha Sharma ... For the State.

The petitioner is aggrieved by the fact that because of misunderstanding in the cause list, he could not participate before the learned sessions court and by *ex parte* order, the learned sessions court was pleased to enhance the interim monetary relief from Rs.5000/- per month to Rs.20000/- per month.

I find that the learned appellate court while enhancing the amount of interim monetary relief based its finding on the pay slip of the month of April 2022 which reflected that the gross monthly income of the present petitioner was Rs.104940/-. The learned advocate appearing for the petitioner disputes such earning of the petitioner and submits that since it was decided *ex parte*, it was not possible to contradict such version. The findings being based on documentary evidence, I am not inclined to interfere with the quantum of Rs.20000/- already awarded by the learned appellate court in Criminal Appeal No. 10 of 2021. However, I grant liberty to the present petitioner viz., Subrata Sarkar to take out an application drawing the attention of the court by exhausting the statutory remedies for reconsideration of the

amount in case he is able to show documentary evidence of his pay slip for the said month which is different from what has been the finding of the learned appellate court.

The petitioner is directed to go on paying the amount until and unless the appellate court or the trial court comes to a different finding.

With the aforesaid observations, the revisional application being CRR 1460 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.)