

06.12.2023

Item No.83
Ct.No.34
dc.

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

C.R.R. 1481 of 2023

In the matter of : **Kalidas Ghosh**

... Petitioner.

Mr. D. K. Adhikari

... For the Petitioner.

The petitioner has challenged the order dated 21.01.2023 passed by learned Additional Sessions Judge, FTC-3, Barrackpore in Criminal Revision No. 102 of 2020 wherein the order passed in M. Case No. 248 of 2019 by the learned Judicial Magistrate, 4th Court, Barrackpore was modified. The learned Additional Sessions Judge was pleased to fix interim maintenance of Rs.5000/- per month. There was a contested hearing and on each and every time, the husband only has expressed his inability to pay the amount.

Be that as it may, neither the evidence of the case has been commenced nor the learned advocate appearing for the petitioner has been able to satisfy this Court as to whether any affidavit of assets or liabilities was placed before the learned Magistrate at the time of quantification or assessment of the maintenance.

The petitioner is granted liberty to take out an application under Section 127 of the Code of Criminal Procedure, if so advised by filing fresh affidavit of assets or liabilities in case the petitioner finds that the quantum so awarded is beyond his means.

The learned Magistrate would assign reasons and arrive at his conclusion without being influenced by any observations made by this Court.

With the aforesaid observations, the revisional application being CRR 1481 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.)