

D/L6
03.08.2023
Bpg.

C.R.R. No.1926 of 2022

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

Shatabdi Mukhopadhyay
Versus
The State of West Bengal & Anr.

Mr. Dipanjan Dutt,
Mr. Souma Subhra Ray,
Mr. Swayam Bhattacharya.
...for the petitioner.

Mr. Malay Bhattacharya,
Mr. Subhrajyoti Ghosh.
...for the opposite party no.2.

By the order dated 5.4.2022 the learned Additional Sessions Judge, Fast Track Court No.2, Barrackpore was pleased to award interim maintenance to the minor child to the tune of Rs.20,000/- per month by way of giving effect to the said order from 13.12.2017.

Mr. Dutt, learned advocate appearing for the petitioner and Mr. Bhattacharya, learned advocate appearing for the opposite party no.2 jointly submit that there is no dispute regarding the amount being paid and being received.

However, having regard to the uniqueness of the present case because of the child suffering, I am of the opinion that, apart from the regular payment of Rs.20,000/- per month, the medical expenses and the care of the child should have been considered with a bit more priority. Accordingly, I direct that the opposite party no.2/husband/father in the trial court would share the following

expenses:

1. Attendant.
2. Pharmacy bills/medical bills.
3. Treatment of the child whether within the State or outside the State including the conveyance required for the child for taking him to the hospital or the doctor or the medical unit so prescribed.
4. Conveyance of school the child is attending.

Petitioner would submit such expenses before the learned trial court monthly basis which within a fortnight would be cleared by the opposite party no.2/husband/father.

The trial of the case is directed to be continued. The aforesaid direction will not preclude the learned Magistrate to arrive at a fresh finding while deciding the final fate of the proceedings under Section 125 of the Code of Criminal Procedure.

With the aforesaid observations, CRR 1926 of 2022 is disposed of.

Pending 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.)

