

08-06-2023
Subha
Item no.21
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 1788 of 2023

Sri Dinabandhu Paul
-versus-
The State of West Bengal & Ors.

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

Mr. Soumik Ganguli
.....for the petitioner.

The petitioner has challenged the judgement and order dated 06.03.2023 passed by the learned Judicial Magistrate, Khatra, Bankura in Misc. Case No. 29 of 2020 under Section 125 of the Code of Criminal Procedure.

Mr. Ganguli, learned advocate appearing on behalf of the petitioner submits that the petitioner has been foisted with huge amount which is not commensurate with his salary. It has additionally been submitted that the affidavit of assets so filed is full of complete suppression and distortion for which the learned trial court could not come to an appropriate finding.

The present revisional application challenges the interim order of maintenance. The quantum so awarded is Rs.6000/- to the wife and Rs.3000/- to the child.

Having regard to the quantum which has been awarded by the learned Magistrate, I am of the opinion that there is no scope for interference at this stage considering the present cost index.

However, if the petitioner is able to adduce evidence to dislodge the distortion as alleged in the affidavit of assets and bring in the evidence relating to the factum of source of earning of the wife, in that event, the learned trial court will reconsider the quantum at the final stage of the hearing of the case.

With the aforesaid observations, the present revisional application being CRR 1788 of 2023 is disposed of.

All Pending applications, if any, are disposed of accordingly.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]