

June 8, 2023
AD – 35
Ct. 34
SG

CRR 1982 of 2023

*Pir Zada Imamul Hussain Shah Chisti Al
Quadri @Imamul Hussain
-versus-
The State of West Bengal and another*

Mr. Avik Ghatak
Mr. Fahad Imam
Mr. Shamsher Ansari

... for the petitioner

The petitioner has challenged the judgment and order dated 04.04.2023 passed by the Chief Judge, City Sessions Court, Calcutta in Criminal Appeal No.224 of 2022 wherein the interim order passed by the learned Metropolitan Magistrate, 15th Court, Calcutta in MISCS Case No.89 of 2020 under the relevant provisions of Protection of Women (from Domestic Violence) Act was under challenge.

Mr. Ghatak, learned advocate for the petitioner is aggrieved by the enhancement of maintenance from an aggregated sum of Rs.4,000/- to an aggregated sum of Rs.9,000/-.

It is submitted that the foundation of the order was without any justification by both the courts learned appellate court as well as the magistrate court. The petitioner being an Imam has been saddled with such huge liabilities.

I have considered the submissions advanced by the learned advocate for the petitioner and on an assessment of the materials relating to the issues dealt with by the

learned trial court as well as the learned appellate court, I am of the view that such factual circumstances being considered by two courts, it would not fit and proper for the high court to exercise further factual interpretation as the evidence of the case is awaiting.

The petitioner is granted liberty to canvass the points advanced in the revisional application along with other materials to rebut the contentions in affidavit filed by the wife.

After the final arguments, learned trial court would consider the same and would arrive at a fresh consideration at the end of the trial and decide regarding amendment, modification or enhancement of the amount.

The petitioner prays for increasing the number of instalments for repaying the arrears as has been directed by the learned appellate court. Such prayer should be advanced before the learned trial court and the learned appellate court. The courts in its wisdom would consider in the fitness of circumstances. Learned trial court would also see that trial of the case is concluded as expeditiously as possible by fixing at least one date in every 60 days so that the trial ends within a reasonable period of time.

With the aforesaid observations, CRR 1982 of 2023 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.

(Tirthankar Ghosh, J.)