

24.04.2023

Item No.31
Ct.No.34
dc.

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

C.R.R. 1790 of 2021

**Dr. Avik Das
versus
Kathakali Malakar (Das)**

In Re: An Application under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973.

This revisional application was preferred challenging the order dated 24.03.2021 passed by learned Judicial Magistrate, 2nd Court, Barasat in connection with Case No. M-653 of 2020 under Section 125 of the Code of Criminal Procedure.

The order of the learned Magistrate reflects that by way of interim maintenance, the learned trial court allowed Rs.30,000/- per month to be paid to the wife and Rs.20,000/- per month to the minor son. Learned trial court based its foundation on the factual circumstances that the husband was attached with both ESI Hospital and Medica Superspeciality Hospital thereby earning a gross total from both the institutions as Rs.1,78,000/-.

Having regard to the factual foundation on which the quantum of maintenance was arrived at by the learned Magistrate, I am of the opinion that no interference is called for.

Accordingly, the revisional application being CRR 1790 of 2021 is dismissed.

Pending connected applications, if any, are consequently disposed of.

If the petitioner is able to adduce any evidence rebutting the quantum which is the foundation for arriving at such sum of maintenance, learned Magistrate would consider the same in accordance with law at the end of the trial.

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 with all requisite formalities.

(Tirthankar Ghosh, J.)