

04.07.2023
Item No.127
Ct.No.34
dc.

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

C.R.R. 2173 of 2023

In the matter of : **Sri Arindam Sain** ... Petitioner.

Mr. Manabendra Thakur,
Mr. Partha Sarathi Das ... For the Petitioner.

The petitioner is aggrieved by the fact that quantum of interim monetary relief was decided *ex parte* by the learned Judicial Magistrate and affirmed by the learned Additional Sessions Judge, 1st Court, Serampore, Hooghly in connection with Criminal Appeal No. 14 of 2019.

I find from the records of the case that there was a direction to pay Rs.8000/- per month to the wife and Rs.7000/- per month to the daughter.

Learned advocate appearing for the husband/petitioner submits that there are serious issues relating to the quantum which require adjudication and the *ex parte* order in fact has seriously prejudiced the present petitioner.

In view of the apprehension expressed by the petitioner, I direct that the petitioner would appear before the learned Judicial Magistrate, 2nd Court, Serampore in connection with Misc. Case No. 1951 of 2018 and file his affidavit of assets along with an application for reconsideration of the quantum which has been awarded by way of interim monetary relief.

The learned trial court would consider the said application after issuing notice to the wife. After hearing the arguments advanced on behalf of both the parties, learned Magistrate would arrive at his own conclusion, irrespective of

the earlier directions so passed. In the meantime, till the application is decided by the learned Magistrate, the quantum earlier decided would be paid by the husband/petitioner.

The application proposed to be filed along with the affidavit should be disposed of within a period of 60 days from the date of filing of the said application.

With the aforesaid observations, the revisional application being CRR 2173 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.)