

D/L118
03.07.2023
Bpg.

C.R.R.2179 of 2023

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

Dipankar Saha
Versus
Tandra Saha

Mr. Ivan Roy
Mr. Nilanjan Sarkar.
...for the petitioner.

Petitioner is aggrieved by the amount of maintenance of
Rs.10,000/- per month which was awarded by the learned ACJM,
Tehatta, Nadia.

Learned advocate appearing for the petitioner/husband
submits that the petitioner is not in a position to pay such amount
of maintenance because of his compulsions and his earnings having
deteriorated. Learned advocate further submits that he may be
allowed to file affidavit-of-assets before the learned trial court and
an application under Section 127 of the Code of Criminal Procedure.

If such application under Section 127 of the Code of
Criminal Procedure is filed before the learned ACJM, Tehatta,
Nadia, learned Magistrate will issue notice and consider the same in
accordance with law.

However, the maintenance already decided would be
continued to be paid.

Learned Magistrate while disposing of the application
under Section 127 of the Code of Criminal Procedure would be at
liberty to arrive at a fresh finding.

With the aforesaid observations, CRR 2179 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.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)