

25.07.2023

Item Nos.108,109&110
Ct.No.34
dc.

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

C.R.R. 2371 of 2023

**Arnab Basak
versus
Ankita Dey Basak**

With

C.R.R 2373 of 2023

**Arnab Basak
versus
Ankita Dey Basak**

With

C.R.R. 2428 of 2023

**Ankita Dey nee Basak
versus
Arnab Basak & Ors.**

Mr. Pawan Kumar Gupta,
Mr. Diptiman Mukherjee,
Ms. Sofia Nesar

... For the Petitioner in CRR 2371 of 2023,
CRR 2373 of 2023 and the Opposite Party No.1
in CRR 2428 of 2023.

Mr. Somnath Roy Chowdhury,
Ms. Arpita Chowdhury

... For the Petitioner in CRR 2428 of 2023
and the Opposite Party in CRR 2371 of 2023,
CRR 2373 of 2023.

CRR 2371 of 2023 has been preferred by
husband/Arnab Basak challenging the judgement and order
dated 30.05.2023 passed in Criminal Appeal No. 10 of 2022.

CRR 2373 of 2023 has been preferred by
husband/Arnab Basak challenging the judgement and order
dated 30.05.2023 passed in Criminal Appeal No. 9 of 2022.

CRR 2428 of 2023 has been preferred by wife/Ankita
Dey nee Basak in respect of the order dated 30.05.2023
passed in Criminal Appeal No. 10 of 2022 being aggrieved by

the quantum of maintenance being affirmed by the learned appellate court.

All the aforesaid cases arise out of Misc. Case No. 47 of 2021 which are pending before the learned Judicial Magistrate, 5th Court, Howrah. As such by a single order, all the revisional applications are being disposed of.

Mr. Gupta, learned advocate appearing for the husband/Arnab Basak, at the inception, submits that the husband has cleared all the dues towards the maintenance which is Rs.7000/- per month from the date of the order till the month of July 2023. The same is not disputed by the learned advocate appearing for the wife/Ankita Dey nee Basak.

So far as the arrears are concerned from the date of filing of the application till the order being passed by the learned trial court, the same is still remaining due. The said amount be disbursed in four equal instalments within a period of one year from date by paying each instalment in every three months.

Learned advocate for the wife/Ankita Dey nee Basak is aggrieved regarding the quantum of maintenance awarded which according to her, is against the settled proposition of law in respect of the earnings of the husband.

On the other hand, Mr. Gupta, learned advocate for the husband states that presently the husband/Arnab Basak is without any employment.

Be that as it may, the order so passed in respect of Rs.7000/- per month as interim maintenance was a measure

taken by the learned court according to the statute during the pendency of the main proceedings. The parties are yet to adduce their own evidence before the court of law.

Having regard to the present circumstances, I direct the husband/Arnab Basak in CRR 2373 of 2023 to continue payment of Rs.7000/- per month till the proceedings are concluded before the learned trial court. The learned trial court would take steps so that the trial is concluded within a period of one year from date. The learned trial court while deciding the case on the evidence so adduced by each of the parties would take into account the status of the parties and decide the quantum of maintenance in future. In case, the learned Magistrate arrive at a conclusion that the quantum, which was earlier awarded as interim measure, was not sufficient for the wife, then in that case, the said order would be made applicable from the date of filing of the application with adjustments being granted in respect of the payment which has already been made before the court.

No further comments are being made by this Court as the parties are supposed to adduce their evidence.

The learned trial court would at least fix one date in every 20 days so that within a year from date, the judgement is pronounced by the learned trial court.

With the aforesaid observations, the revisional applications being CRR 2371 of 2023, CRR 2373 of 2023 and CRR 2428 of 2023 are 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.)