

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

CRR 2791 of 2022

**Saumik Samanta
Vs.
Arpita Dey Samanta**

For the petitioner : Mr. S. P. Bhattacharya, Adv.

Judgement on : 20.01.2023.

Bibek Chaudhuri, J.

The petitioner/husband has approached this Court in the instant revision assailing, *inter alia*, that the opposite party/wife in her application under Section 125(3) of the Code of Criminal Procedure for interim maintenance has alleged that the petitioner earns Rs.1,80,000/- per month. However, the petitioner is a research scholar. He does not earn Rs.1,80,000/- per month and the said statement is a false statement.

The learned Magistrate is at liberty to adjudicate the application for interim maintenance along with its written objection and before fixing the date of hearing of the application for interim maintenance he shall give liberty to the parties to file affidavits of assets in compliance of the direction of the Hon'ble Supreme Court in the case of ***Rajneesh –Vs.- Neha***. On the basis of affidavits of assets, he

shall determine the interim maintenance to be paid by the petitioner to the opposite party/wife by passing a reasoned order within three months from the date of communication of the order.

With the above direction, the instant revision is **disposed of**.

(Bibek Chaudhuri, J.)

Srimanta, A.R.(Ct.)
Item No. 29.