

25.07.2023
Serial no. 9
[G.S.D]

CRR 2681 of 2023

In the matter of : Rahul Adhikary

... .. Petitioner

Mr. Dhananjay Banerjee
Mr. Samrat Choudhury
Ms. Oindrila Ghosh

... *For the Petitioner*

The Learned Advocate for the petitioner submits that the petitioner has suffered a factual misappropriation and, as such, in spite of being a Group-D employee of the District Inspector of Schools, he has been considered to be a Primary School Teacher and, on such foundation, there has been assessment in respect of the award of maintenance.

Learned Advocate submits that the earning of the present petitioner is around Rs.21,000/-. While the aggregate maintenance awarded is Rs.12,000/-.

Having considered the submissions and the factum that the initial order was passed ex parte, I direct the Learned Magistrate that in case an application under Section 127 of the Code of Criminal Procedure is filed before the said Court, then the Learned Magistrate would allow the petitioner to adduce evidence to that effect and after considering the same if he is confident of the plea taken by

the petitioner, then the Learned Magistrate in his wisdom would reconsider the amount of maintenance earlier granted.

If such an application under Section 127 is preferred, the Learned Magistrate would take all efforts so that the same is completed within a period of three months from the date of filing of such application. No further orders are passed in the meantime.

With the aforesaid observations, CRR 2681 of 2023 is disposed of.

Pending application(s), if any, is also disposed of.

Parties to act on a server copy of this order, duly collected from the official website of the Hon'ble High Court, Calcutta.

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

(Tirthankar Ghosh, J.)