

August 10, 2023
AD-20
Ct. 34
SG

IN THE HIGH COURT AT CALCUTTA
CRIMINAL APPELLATE JURISDICTION

CRR 2838 of 2023

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

In the matter of: Shantanu Roy
... petitioner

Mr. Arup Krishna Das
... for the petitioner.

Petitioner is aggrieved by the fact of the interim maintenance being enhanced by the learned Sessions Judge, 3rd Court at Asansol, Paschim Bardhaman from an aggregated sum of ₹6,000/- to an aggregated sum of ₹20,000/-.

The foundation of such enhancement as recorded by the learned sessions judge was on the basis of children who are studying at St. Patrick's School, the husband is carrying on a jewellery business and had an ambition that the upbringing of the children would be from a leading school of Asansol.

Learned advocate for the petitioner contested the quantum which was enhanced by the learned sessions judge in the order allowing interim maintenance.

According to the learned advocate, the husband is having small jewellery shop and an earning of ₹18,000/- per month. As such, it is not possible for him to bear such

expenses. He also submits that wife is having a shop of herbal products and her earning is ₹20,000/- per month.

Be that as it may, an award of interim maintenance is a measure during the pendency of the main proceedings.

Husband would be at liberty to adduce evidence to rebut the contentions which were the foundation of the order passed by the learned sessions judge in the main proceedings when the evidence progresses.

In case such rebuttal is made, learned trial court would be at liberty to reconsider the amount if the learned trial court deems it fit and proper.

No case for interference is made out at this stage of the proceedings.

With the aforesaid observations, CRR 2838 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 be immediately made available to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)

