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18.08.2023
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C.R.R.3056 of 2022

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

Ramesh Das
Versus
Shrimati Falguni Das and another

Mr. Debabrata Acharyya
Mr. Sital Samanta
Mr. A. Chakraborty.

...for the petitioner.

The petitioner has challenged the order dated 20th May, 2022 passed by the learned Additional District and Sessions Judge, Fast Track Court No.4, Alipore in Criminal Appeal No.271 of 2019.

I find from the said order that the learned appellate court was pleased to enhance the interim order under Section 23 of the PWDV Act and awarded Rs.3,000/- per month to the wife and Rs.6,000/- per month to the minor son who at the relevant point of time the son was studying in Class-IX.

Mr. Acharyya, learned advocate appearing for the petitioner submits that the wife is also earning as Yoga Instructor.

The issues which have been canvassed are to be considered in the main proceedings of the trial. So far as the quantum is concerned, the quantum do not seem to be of such amount which calls for interference by this Court.

Learned advocate submits that there may be some arrears.

Learned trial court would while deciding the execution

case, if any, take into account at least the issue relating to payments of the school going son and his expenditure which the petitioner claims that he has been regularly paying. The issue so canvassed in the revisional application relating to regular expenditure are to be adduced before the learned trial court. Learned trial court would consider the same before awarding any further quantum and would also take into account whether the application is maintainable as also the entitlement of the parties to have monetary reliefs and other reliefs so claimed in the application.

With the aforesaid observations, CRR 3056 of 2022 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.)