

27.02.2023
Ct. No.34
S/L No.23
KS

C.R.R. 2602 of 2021
Smt. Rita Sen
-Vs.-
The State of West Bengal & Anr.

Mr. Kamalesh Ch. Saha
.....For the Petitioner
Mr. Imran Ali
Ms. Manisha Sharma
.....For the State

Petitioner approached this Court against the order dated 24.11.2021 passed by the learned C.J.M., North 24 Parganas, Barasat in connection with Misc. Case No.125 of 2018 under Section 127 of the Code of Criminal Procedure arising out of M. Case No.666/1998. The order reflects that the learned Magistrate was pleased to enhance the amount of maintenance from Rs.6,000/- to Rs.8,500/-.

Learned advocate appearing for the petitioner submits that the learned Trial Court was convinced that the petitioner was getting salary and allowances to the tune of Rs.60,000/- and in spite of the same learned court awarded/enhanced the amount of maintenance to Rs.8,500/-. It has also been submitted that subsequently the opposite party has retired from service.

State has submitted a report of the Inspector-in-Charge, Bishnupur Police Station from where it appears that the police

authorities in spite of their best efforts could not trace out the opposite party. Report be kept with the record.

Having regard to the contentions advanced by the petitioner, I direct that in case an application is taken out by the petitioner before the learned C.J.M., Barasat, North 24 Parganas for the purposes of ascertaining the salary of the opposite party at the relevant period when the application under Section 127 of the Code of Criminal Procedure was filed, the learned Court will give a direction to the department to produce the relevant salary slip/records in respect of the salary which was disbursed by the Department to the opposite party/husband. Learned Court would take into account the same and thereafter, if required, alter the amount so awarded by its order dated 24.11.2021 passed in Misc. Case No.125 of 2018.

With this above observation, C.R.R. 2602 of 2021 is disposed of.

Pending applications, if any, are consequently disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)