

01-09-2023
Subha
Item no. 49
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 3298 of 2023

Gautam Sarkar
-versus-
State of West Bengal & Anr.

Mr. Nurnobi Seikh
...for the petitioner.

Learned advocate for the petitioner has challenged the order passed by the learned A.C.J.M, Kalna in connection with Misc. Case No. 94 of 2020 wherein the prayer for interim maintenance in respect of the applicant/wife and the minor daughter was allowed which was to the tune of an aggregate amount of Rs.15,000/- per month.

Learned advocate for the petitioner submits that the petitioner/husband has evidence to show that the wife/opposite party/applicant has already remarried and is not entitled to any maintenance from the present petitioner. The said fact was never before the learned trial court i.e., learned ACJM, Kalna .

Having regard to the same, I direct the petitioner to prefer an application under Section 127 of the Code of Criminal Procedure wherein the petitioner would be at liberty to produce materials in support of his claim that the wife/opposite party is not entitled to any sum of interim maintenance in view of the factum of her marrying again. In case such an application is filed within a fortnight from the date, the learned Magistrate would take all

endeavour so that by 30th November, 2023 the same is completed.

. However, in the meantime the petitioner would go paying the sum of Rs.15,000/- per month.

With the aforesaid observations, the revisional application being CRR 3298 of 2023 is disposed of.

Pending applications, if any, are consequently dispose of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]