

06.09.2023

Item No.10
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 3719 of 2022

In the matter of : **Smt Moutusi Majumder (Chakraborty)**
... Petitioner.

Mr. Dwarikanath Mukherjee,
Mr. Manik Lal Dey,
Mr. Sanat Kumar Das,
Mr. Sujan Chatterjee ... For the Petitioner.

Mr. Koustav Bagchi,
Mr. Suhashis Dey,
Ms. Roshni Kalam ... For the Opposite Party.

Pursuant to the earlier order dated 24.01.2023, the records of Criminal Revision 109 of 2022 which was pending before the learned Additional Sessions Judge, Fast Track Court, Serampore, Hooghly was produced before this Court. The said revisional application related to the husband being aggrieved by the order dated 11.07.2022 passed in M.C. Case No. 442 of 2019 by the learned Judicial Magistrate, 4th Court, Serampore, Hooghly. Against the said order dated 11.07.2022, the present revisional application being CRR 3719 of 2022 was filed by the wife who was aggrieved by the quantum of maintenance.

While the revisional application before the sessions court was preferred for reducing the quantum of maintenance, the revisional application before the High Court was filed for enhancing the amount of maintenance. The order which was passed on 11.07.2022 is an order relating to interim maintenance. Final determination of rights of the

parties would be decided by the learned Judicial Magistrate after the trial is over.

Mr. Bagchi, learned advocate appearing for the husband/petitioner in Criminal Revision 109 of 2022 submits that he has bank statements reflecting that the wife is also engaged in some work and there are regular credits in her account. The said amount which the learned advocate says ranges from Rs.5000/- to Rs.9000/- per month.

Mr. Chatterjee, learned advocate appearing for the wife/petitioner in CRR 3719 of 2022 submits that the husband is earning around a sum of Rs.61,000/- per month being a senior railway clerk and the said amount was reflected in the ordersheet which was for the month of June 2019.

The issue which is under consideration before this Court is interim maintenance. The purpose of interim maintenance is during the period of final determination of rights of the proceedings of maintenance, the lady is able to maintain herself which should be more or less commensurate with the status of the husband or the life which she was leading. The amount of Rs.4500/- per month which has been decided in the order dated 11.07.2022, according to the opinion of this Court, is not commensurate with the job or status with which the husband is associated. Having considered the factum that there are regular credits in the account of the wife, I am of the view that at least the wife should get a sum of Rs.10,000/- per month by way of interim maintenance. The mode and manner in which such

maintenance is to be paid would be decided by the learned Judicial Magistrate, 4th Court, Serampore, Hooghly. If any execution case is filed at the instance of the wife, the learned trial court would ensure that the execution case and the main case are fixed on one and the same date.

With the aforesaid observations, the revisional application being CRR 3719 of 2022 along with Criminal Revision 109 of 2022 which was pending before the learned Additional Sessions Judge, Fast Track Court, Serampore, Hooghly is disposed of.

Pending connected application, if any, is consequently disposed of.

Department is directed to communicate this order to the learned Additional Sessions Judge, Fast Track Court, Serampore, Hooghly as well as the learned Judicial Magistrate, 4th Court, Serampore, Hooghly.

Lower court records be returned to the learned Additional Sessions Judge, Fast Track Court, Serampore, Hooghly.

All concerned 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 with all requisite formalities.

(Tirthankar Ghosh, J.)