

**12.10.2023**  
**Serial no. 76**  
[G.S.D]

## **CRR 3711 of 2023**

**In the matter of : Swarup De @ Swarup Kumar De**  
... .. Petitioner

Ms. Jeenia Rudra

... For the Petitioner

The petitioner is aggrieved by the order dated 31.8.2023 passed by the Id. Addl. Sessions Judge, 4<sup>th</sup> Court, Barasat in Criminal Revisional No. 332 of 2022. The said order was against the order dated 31.10.2022 passed by the Id. JM, 2<sup>nd</sup> Court, Barasat in case no. M 186/2009.

The grievance of the petitioner is that the petitioner was earlier earning but, presently, he is running a grocery shop from where he earns a meager income for which he is unable to pay the interim maintenance of Rs. 8,000/- per month, which has been awarded.

I have considered the foundation of arriving at such a quantum. Prima facie, it reflects that the Id. Courts below were impressed by the factum of the petitioner being a computer technician and teacher and based on such foundation, they awarded the amount which is not exorbitant.

However, if the petitioner is having other liabilities, the same would be within the personal knowledge of the petitioner, which is to be brought in evidence.

The petitioner would be entitled to file an application under section 127 of the cr.p.c. and the Id. Magistrate would consider the same in accordance with law and will exercise his/her discretion, if at all, the same is warranted for the purposes of the present case.

With the aforesaid observations, CRR 3711 of 2023 is disposed of.

Pending application, if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court at Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

**(Tirthankar Ghosh, J.)**