

24-08-2023
Subha
D/L 33
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 4048 of 2022

Sudhabindu Mallik
-versus-
State of West Bengal and Anr.

Mr. Aniket Mitra
Mr. Tapas Singha Roy
.....for the petitioner.

Petitioner is aggrieved by the order dated 07.09.2022 passed by the learned Judicial Magistrate, 5th Court, Serampore in Misc. Case No. 403 of 2019 wherein the learned court was pleased to allow interim maintenance to the tune of Rs.10,000/- per month to the wife. The plea of the petitioner is that an amount of Rs.11,000/- per month is earning of the petitioner who is a junior dental surgeon, was disbelieved by the learned Magistrate who awarded the maintenance amount. No foundation regarding the earning has been canvassed and it is only stated that the petitioner is a professional and working as a dental surgeon.

The academic qualification itself reflects that the petitioner's qualification, age would be sufficient for allowing an interim measure to be awarded to the wife. If any other liabilities, alternate circumstance exist, the petitioner would by way of adducing the evidence rebut the same in course of the trial.

The learned trial court is directed to fix at least one date in a month for the purposes of the present case and the date for

execution and the trial be fixed on one and the same date.

No interference is made at this stage so far as the impugned order is concerned.

. With the aforesaid observations, the present criminal revisional application being CRR 4048 of 2022 is disposed of.

Pending applications, if any, are consequently disposed 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]