

D/L71
22.06.2023
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C.R.R.4450 of 2022

In Re: An application under Section 401 read with Section 482 of the
Code of Criminal Procedure;

Iftekar Alam Gazni (Minor)
Versus
Minor Sarfaroze Mondal and others

Mr. Golam Mostafa,
Mr. S. Sardar.
...for the petitioner.

Mr. Mostafa, learned advocate appearing for the petitioner is aggrieved by the amount of Rs.1500/- per month which was awarded to the wife as a measure of interim maintenance. However, he is not aggrieved with the amount of Rs.1,000/- per month which was awarded as interim maintenance to the minor son. Learned advocate submits that the opposite party no.2 has married and in spite of that she is pursuing maintenance before a court of law by suppressing the real state of affairs. Learned advocate tries to draw the relevant documents regarding the marriage having taken place between the opposite party no.2 and some other person.

The present order of the learned Judicial Magistrate, 1st Court, Bolpur, Birbhum is an interim measure during the pendency of the final hearing of the maintenance.

Petitioner would be at liberty to adduce evidence for proving such contention that the wife has already been married in course of the trial. In case the learned Magistrate is satisfied with the documentary evidence placed by the petitioner, learned

Magistrate would not hesitate in recalling the earlier order of maintenance and adjust the quantum with that awarded to the son.

With the aforesaid observations, CRR 4450 of 2022 is disposed of.

Pending application, if any, is consequently disposed of.

All 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 of all requisite formalities.

(Tirthankar Ghosh, J.)