

01-12-2023
Subha
Item no. 372
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 4467 of 2023

Samar Saha
-versus-
Rakhi Saha.

Mr. Shibaji Kumar Das
..... the petitioner.

Petitioner is aggrieved by the fact that the application for interim maintenance was disposed of on 16th November, 2022 without allowing him to participate in the proceedings before the learned Judicial Magistrate, 1st court, Berhampore, Murshidabad.

Learned advocate submits that there was no scope for the petitioner to press his affidavit of assets and liabilities before the court or to rebut the affidavit of assets or liabilities, which was placed at the instance of the wife.

Be that as it may, I direct the petitioner to file his affidavit of assets and/or liabilities within one month from the date of the communication of this order. Petitioner will file an application under Section 127 of the Code of Criminal Procedure since he complains that he did not have the opportunity to be heard at the time when the interim order of maintenance was allowed. Learned Magistrate will consider the same and if required reassess so far as the quantum which has already been awarded.

With the aforesaid observations, the revisional application being CRR 4467 of 2023 is disposed of.

Pending any other applications, if any, are disposed of accordingly.

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]