

18.08.2023
Serial no. 68
[G.S.D]

CRR 4492 of 2022
With
CRAN 1 of 2023

In the matter of : Chiranjib Mukherjee

... .. Petitioner

Mr. Chiranjib Mukherjee

... For the Petitioner-in-person

Mr. Nilendu Bhattacharya

Mr. Abhinav Rakshit

Mr. Soumen Chatterjee

... For the Respondent

Mr. Anowar Hossain

Ms. Manisha Sharma

... For the State

This revisional application has been preferred challenging the Judgment and Order dated 01.11.2022 passed by the Learned Additional District and Sessions Judge, FTC V, Alipore, South 24 Parganas.

The subject-matter of the revisional application relates to a proceeding under Section 125 of the Cr.P.C., wherein the Learned Revisional Court on an assessment of the materials as also the judgment delivered in respect of an interim maintenance by the Learned Judicial Magistrate, 4th Court, Alipore in ACM 329 of 2018, was pleased to award interim maintenance to the two child to the tune of

Rs.4,000/- per month, for each of them, aggregating to a sum of Rs.8,000/- per month.

The petitioner appearing-in-person submits that he was working as an employee in the company of the wife. He has been thrown out from his residence and is presently without any employment and is spending his life from his ancestral home.

The petitioner has also contended that there are contradictory version in the judgment of the Learned Revisional Court, as the Learned Revisional Court, while deciding the revision failed to appreciate that there was no scope for awarding maintenance, as the petitioner is without any employment.

Mr. Bhattacharya, Learned Advocate appearing on behalf of the O.P., submits that one of the child is suffering from epilepsy and till date no amount has been contributed by the father for the ailing son.

Be that as it may, the amount which has been awarded is Rs.4,000/- for each child and the same is not more than Rs.150/- per day. The quantum so awarded, therefore, calls for no interference.

The petitioner was working as an employee, as such, he is a person, who is able bodied and is liable to maintain his child, who are of his own.

There may be facts which requires adjudication and which also may be based on documents and factual circumstances but the same has to be considered during the main proceedings of trial under the provisions of Section 125 Cr.P.C.

The present maintenance award is by way of an interim measure during the pendency of the main proceeding.

Having regard to the reasons so assigned by the Learned Revisional Court, while arriving at its conclusion and finding, I am of the firm view that there is no scope of interference in the present case.

So far as the contention of Mr. Bhattacharya, Learned Advocate appearing for the Private O.P. is concerned, he is at liberty to exhaust his remedies before the appropriate forum.

Consequently, no interference is called for in the present revisional application.

With the aforesaid observations, CRR 4492 of 2022 is dismissed.

Pending application, if any, is also dismissed.

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