

05.12.2023
Item No.325
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 4536 of 2023

In the matter of : **Arghya Bandopadhyay** ... Petitioner.

Mr. Partha Chakraborty ... For the Petitioner.

The petitioner has challenged the judgement and order dated 07.08.2023 passed by learned Additional Sessions Judge, 1st Court, Barrackpore in Criminal Revision No. 731 of 2022. The grievance of the petitioner is that the learned revisional court dismissed the revisional application on the grounds that the subject-matter of challenge related to interlocutory order.

According to the learned advocate for the petitioner, the determination of an interim maintenance is a final order and as such, the findings and/or conclusion arrived at by the learned sessions court is against the settled proposition of law. To that effect, I do not dispute the proposition of law as laid down by the Hon'ble Supreme Court as is revealed from interpretation of the statutes. However, having regard to the facts of the present case, the foundation of interim maintenance of Rs.7000/- per month was based on the fact that pay slip of the husband reflected a sum of Rs.28408/-. As such, quantum which was awarded Rs.7000/- per month as interim maintenance by the learned Judicial Magistrate, 4th Court, Barrackpore in Misc. Case No. 363 of 2022 is in consonance with the provisions of law. As such, on the issue relating to facts, no interference is made by this Court.

If there are other question of facts involved, the petitioner would be at liberty to take up the same in course of trial of the case.

The learned trial court is directed to expedite the process of trial and fix regular date so that trial of the case can be concluded within a period of 18 months from the date of communication of this order.

With the aforesaid observations, the revisional application being CRR 4536 of 2023 is disposed of.

Pending connected application, if any, is consequently disposed of.

All concerned 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 with all requisite formalities.

(Tirthankar Ghosh, J.)