

D/L309
12.12.2023
Bpg.

C.R.R.4670 of 2023

In Re: An application under Section 401 of the Code of Criminal Procedure, 1973;

Sri Arindam Mitra
Versus
Smt. Anindita Mitra and another

Mr. Subhendu Halder
Mr. Abhirup Halder.
...for the petitioner.

Petitioner is aggrieved by the amount of maintenance which has been awarded in a proceeding under the PWDV Act, wherein the learned Judicial Magistrate, 9th Court, Alipore was pleased to award a sum of Rs.20,000/- per month to the minor son and the same was affirmed by the learned Additional Sessions Judge, 4th Court, Alipore in Criminal Appeal No.191 of 2023. The admitted position is that the petitioner is earning Rs.67,000/- per month. However, the learned advocate for the petitioner claims that he has excessive liabilities including the ailing father and also loan. Learned advocate submits that the mother of the child is also earning but whole of the financial burden of the child has been given to the father. Learned advocate also disputes the foundation of the claim of quantum of Rs.20,000/- per month.

Be that as it may, if an application is taken out by the present petitioner, thereby calling upon the opposite party no.1/wife to give a break up of all the necessities of the child, the learned Magistrate would pass directions and accordingly if the learned

Magistrate so feels he would be at liberty to alter the amount if the situation so demands. Without any list of break up, this Court is not in a position to assess regarding the concurrent findings of both the courts below.

With the aforesaid observations, CRR 4670 of 2023 is disposed of.

Pending connected 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.)