

10-04-2024
Subha
Item no.12
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 307 of 2024

Deepak Agarwal
-versus-
Poonam Barai alias Agarwal and anr.

Mr. Pinak Kumar Mitra
....for the petitioner.

Mr. Joydeep Bhattacharjee
...for the Pvt. Opp Party.

Affidavit of service so filed by the petitioner be kept with the record.

Petitioner is aggrieved by the observations of the learned Additional Sessions Judge, 10th court, Alipore in Criminal Motion No. 338 of 2022 wherein the learned revisional court was pleased to enhance the maintenance from a sum of Rs.6000/- per month passed by the learned Judicial Magistrate, 10th court, Alipore to a sum of Rs.10000/- per month.

I have seen the reasonings so assigned both by the learned Magistrate as well as the learned revisional court, although reasonings at this stage while granting interim maintenance on the sole basis of affidavits without scrutinizing in detail regarding the correctness of the same, may to vary at the interim stage.

However, taking into account the quantum which has been assessed on the basis of the annual income of the husband, I am

not inclined to interfere with the order passed by the learned Additional Sessions Judge, 10th court, Alipore in Criminal Motion No. 338 of 2022. However, the learned trial court after the evidence is over will assess regarding the entitlement of the maintenance of the wife and if it is of the opinion that the wife is entitled to maintenance take into account the earnings and the liabilities of the husband along with the status which the wife was maintaining and thereafter independently arrive at its finding at the end of the trial. The quantification of the amount of the learned Sessions Court will have no bearing at the end of the trial and the learned Magistrate will independently decide the same on the subsequent evidence which has been placed on record. .

With the aforesaid observations, the present revisional application being CRR 307 of 2024 is disposed of.

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]

