

13.02.2024
Serial no. 74
[G.S.D]

CRR 529 of 2024

In the matter of : Sk. Rakibul

... .. Petitioner

Mr. P. K. Kundu

... for the Petitioner

Mr. Apalak Basu

Mr. Nazir Ahmed

Ms. Sanghamitra Mirdha

... for the CP

The petitioner is aggrieved by the order of interim maintenance which was passed by the Id. JM, 7th Court, Alipore in connection with ACM 325 of 2021 which is a proceedings under section 125 of the cr.p.c.

The petitioner being aggrieved also approached the Id. Sessions Court in Criminal Motion No. 480 of 2023 of 2023. The Id. Sessions Court by an order dated 9.1.2024 refused to interfere with the order of interim maintenance of Rs.5,000/-.

The subject matter of his challenge is the interim maintenance which is an arrangement during the pendency of the impugned proceedings under section 125 of the cr.p.c. The order sheets reflect that date has been fixed for evidence.

Having considered the fact that the maintenance was by way of interim measure during the pendency of the main proceedings and the learned two courts have considered the same, I am not inclined to interfere with the quantum so awarded by the Id. courts below being the Id. trial court and Id. Revisional Court.

However, the petitioner would be at liberty to adduce his defence and/or rely upon the documents so show his earning.

In case petitioner adheres to his contention that the amount is excessive for him to pay, in that case, the Id. Magistrate would consider the same at the final hearing of the proceedings and will arrive at his own conclusions.

With the aforesaid observations, CRR 529 of 2024 is disposed of.

Pending application, if any, is also disposed of.

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.)