

22.03.2024

Item No.23
Ct.No.34
dc.

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

C.R.R. 1180 of 2024

In the matter of : **Kapil Mandal**

... Petitioner.

Mr. Musharraf Alam Sk.,
Mr. Sujoy Sarkar,
Ms. Susmita Ghorai ... For the Petitioner.

Learned advocate appearing for the petitioner submits that there are documents in his custody which he could not tender at the time of trial of Case No. 323M of 2020/T.R. No. 506 of 2020 wherein the learned Judicial Magistrate, 1st Court, Malda in a proceeding under Section 125 of the Code of Criminal Procedure was pleased to award maintenance of Rs.10,000/- per month to the wife and Rs.7000/- per month to the minor child.

Records reflect that the petitioner is a BSF constable. Having regard to the contentions of the petitioner that there are certain documents in his possession which can alter the fate of the findings before the learned Magistrate, I am of the view that if an application under Section 127 of the Code of Criminal Procedure is filed before the learned Magistrate, the learned Magistrate would after issuing notice to the respective/effective parties, dispose of the same by granting appropriate opportunity within a period of six months from the date of filing of the application.

The award of maintenance under no circumstances should be stalled and the husband would continue in making the payment as per direction of the learned Judicial

Magistrate, 1st Court, Malda until and unless the same is altered/modified by the said court.

With the aforesaid observations, the revisional application being CRR 1180 of 2024 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.)