

D/L22
28.03.2024
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C.R.R.1221 of 2024

In Re: An application under Article 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973;

Samir Barik
Versus
Riyan Barik (Minor)

Mr. Avinaba Patra.
...for the petitioner.

Petitioner is aggrieved by the order dated September 27, 2023 passed by the learned CJM, Malda in connection with Case No.166 M of 2022. I find that a sum of Rs.5,000/- was awarded to the minor child.

Learned advocate appearing for the petitioner submits that the petitioner is earning a sum of Rs.6,000/- per month and without considering the same, the learned Magistrate passed an order of interim maintenance awarding a sum of Rs.5,000/- per month to the minor child.

I have considered such submissions and I am not impressed by the fact that any employment which is continuous would fetch only Rs.6,000/- per month. The contention prima facie is suppression of actual state of affairs. However, this Court restricts itself on commenting over the same. If the petitioner has document to substantiate such claim of earning, learned Magistrate would consider the same in course of the trial.

With the aforesaid observations, CRR 1221 of 2024 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.)