

29-04-2024
Subha
Item no. 14
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 1253 of 2023

Ankita Pal @ Chaudhuri
-versus-
Arka Chaudhuri & anr.

Ms. Debapriya Mitra
Mr. Supriyo Ghosh
Ms. Susmita Adhikary
....for the petitioner.

Mr. Navanil De
Mr. P. Karan Singh
...for the O. P. No.1.

Affidavit of service so filed be kept with the record.

Petitioner is aggrieved by the order dated 20th January, 2023 wherein the learned Judicial Magistrate, 2nd court, Alipore, South 24 Parganas in A C M Case No. 916 of 2021(T. R No. 827 of 2021) awarded interim maintenance of Rs.15,000/- per month to the petitioner be paid from the date of filing of the case. The affidavit of assets and liabilities which was placed before the court admittedly reflects that the gross earnings of the husband is Rs.1,08,750/- and the income tax returns also reflect that the gross earnings was Rs.14,73,424/- (exclusive of the tax to be paid).

Having taken into account earnings of the husband and the marriage being admitted, I am of the view there must be a semblance between the status of the parties and the interim maintenance so awarded by the learned judicial Magistrate which is a meagre amount of sustenance during the pendency of the main application under S.125 Cr.PC.

Mr. De, learned advocate appearing for the husband/opposite party no.1 resisted the views of this court and submitted that there has been suppression of materials as the wife is earning a sum of Rs.15,000/- per month. No reflection of the same is found from the records of this court particularly before the learned Magistrate whether such issue was canvassed or not. Even if the contention of the husband/opposite party no1 is accepted then also I am of view that the earning of the wife is not commensurate with the status she was entitled to earlier.

Having regard to the same, I am of view that the quantum of interim maintenance so awarded should be Rs.30,000/- per month.

However, the amount of Rs.30,000/- is to be computed from the month of January, 2024. So far as the arrears which have been accumulated, if any, that would continue from the date of filing of the case till December, 2023.

Learned advocate for the petitioner/wife submits that till date not a farthing has been received by her. Accordingly, if any execution case is filed, the quantum of arrears are to be calculated on the aforesaid demarcation of quantum, firstly Rs.15000/- from the date of filing till December, 2023 i.e., Rs.15,000/- per month and Rs.30,000/- per month on and from January, 2024.

Needless to state that the quantum which has been decided by this court is by way of a interim measure. Learned Magistrate would be at liberty to arrive at a fresh finding after whole of the proceedings are over irrespective of the quantum which has been

provided by this court.

With the aforesaid observations, the revisional application being CRR 1253 of 2023 is disposed of.

Pending applications, if any, are consequently 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]