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C.R.R.1298 of 2023
With
CRAN 3 of 2023
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In Re: An application under Section 401 read with Section 482 of the
Code of Criminal Procedure, 1973;

Nadeshwar Mukherjee
Versus
Smt. Metel Panda

Mr. Jagannath Ganguly.
...for the petitioner.

Mr. Siva Prasad Ghosh
Ms. Jyotsna Roy Mukherjee
Ms. Srijani Mukherjee.
...for the opposite party.

Petitioner is aggrieved by the order dated 21.03.2023 passed by the learned CJM, Purba Medinipur in connection with Misc. Case No.8 of 2020. The order reflects that the present petitioner being husband took out an application mainly contending that the application under Section 125 of Cr.P.C. filed at the instance of the wife/opposite party is not maintainable as the wife/opposite party has not disclosed and submitted affidavit of assets. It was his further contention that the wife/applicant happens to be a school teacher who is employed and by suppressing such material facts the application under Section 125 of Cr.P.C. has been filed. Number of affidavits have been filed before this Court which include supplementary affidavit and affidavit in opposition.

It has been informed that till date the application for

interim maintenance has not been considered by the learned court in seisin of the matter.

The main thrust of the petitioner/husband is that the wife is not entitled to maintenance and to that effect, he intends to rely upon certain oral assertions as well as certain documentary evidences including the evidence so submitted by the wife/opposite party/applicant in another case between the selfsame parties. As the application for interim maintenance is pending, the petitioner would be at liberty to apply and/or to advance his submissions and at that stage to that effect learned advocate for the petitioner prays for filing a fresh written objection incorporating all the documents which are in his possession to substantiate his claim.

Let such written objection be filed by 24th April, 2024, an advanced copy of the same be served upon the opposite party and the reply to the written objection be filed before the learned trial court by the applicant/wife on or before 15th May, 2024. Advanced copy of the same be given to the husband/petitioner.

Learned court in seisin of the matter will hear out the application which is pending for interim maintenance, written objection, affidavits which are already on records filed on behalf of both the parties as well as the reply to the written objection filed at the instance of the wife and complete the hearing on or before 28th May, 2024. The learned trial court would deliver his verdict in accordance with law on or before 10th June, 2024.

With the aforesaid observations, CRR 1298 of 2023 is disposed of.

Pending connected applications, if any, are 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.)