

19.02.2024
Item No.39
Ct.No.34
dc.

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

C.R.R. 1486 of 2023

In the matter of : **Mintu Nag** ... Petitioner.

Mr. Soubhik Mitter,
Ms. Rajnandini Das ... For the Petitioner.

Mr. Arunava Ganguly ... For the Opposite Party.

Report so submitted by the learned Registrar (Judicial Service), High Court, Calcutta be kept with the record.

The subject-matter of challenge in this revisional application relates to an order of interim maintenance being awarded which aggregated to a sum of Rs.3500/-, according to the records of the case, but the petitioner submits that the aggregated award of maintenance was Rs.2500/- which was passed on 24.02.2022 and there are certified copies which have been enclosed along with the revisional application of the same date.

Learned advocate appearing for the petitioner submits that to the best of the knowledge of the petitioner the quantum so awarded was Rs.2500/- and he has been saddled with a burden of Rs.3500/- (aggregated amount) which was never the order of the court.

Learned advocate appearing for the opposite party opposes such contentions and submits that the same was brought to the notice of the same court in the execution case and the jurisdictional court being the learned Additional Chief Judicial Magistrate, Chandernagore has passed his observations in the order dated 20.03.2023.

Be that as it may, the records of the case and the enquiry so conducted by the learned Registrar (Judicial Service), High Court, Calcutta speaks volumes. In view of the enquiry report so submitted, I direct the learned District Judge, Hooghly to conduct an enquiry and fix up the delinquent. The learned District Judge, Hooghly is directed to take steps after fixing up the persons so involved and if he feels for the interest of justice would be at liberty to register FIR against the delinquent.

So far as the present proceedings are concerned, the petitioner is directed to pay the sum of Rs.3500/- as the records which have been inspected by the learned Registrar (Judicial Service), High Court, Calcutta reflect that the records speak a sum of Rs.3500/- being awarded in the order dated 24.02.2022. Initially an interim order was granted by this Court wherein the difference of the amount of Rs.1000/- was taken into account.

Learned Magistrate would grant three instalments in favour of the petitioner to clear the arrear difference which has accrued.

The petitioner would go on paying the amount of Rs.3500/- per month which after consideration of the enquiry report so submitted reflects to be the proper order which has been passed. However, in case in future the learned District Judge, Hooghly or after any investigation, it is found that there is any difference of amount, the petitioner will be at liberty to recover the said amount or get the said amount adjusted from the opposite party.

The interim order, earlier granted, is hereby vacated.

With the aforesaid observations, the revisional application being CRR 1486 of 2023 is disposed of.

Pending connected application, if any, is consequently disposed of.

Department is directed to communicate this order to the learned District Judge, Hooghly within a week from date.

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.)