

10.05.2024
Item No.97
Ct.No.34
dc.

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

C.R.R. 1924 of 2024

In the matter of : **Vivek Sharma**

... Petitioner.

Mr. Debabrata Ray,
Mr. Tapan Kumar Jana,
Mr. Soumik Mondal,
Ms. Sarbani Mukhopadhyay ... For the Petitioner.

The petitioner has challenged the order dated 06.09.2023 passed by learned Judicial Magistrate, 4th Court, Alipore in M.Ex. No. 369 of 2023 which arose out of AC Case No. 3503 of 2018. The order under challenge relates to Section 23 of the Protection of Women from Domestic Violence Act, 2005.

I have considered the submissions of Mr. Ray, learned advocate appearing for the petitioner. Learned advocate submits that quantum of Rs.15000/- per month which has been foisted by the learned Magistrate is creating immense hardship to the petitioner. I find that interim monetary relief was to the extent of Rs.12000/- per month and an additional sum of Rs.3000/- per month has been directed towards the arrear maintenance. As the petitioner submits that the case was instituted in the year 2018 and as the affidavit of assets and liabilities is not filed at the instance of the applicant/wife, the present petitioner is unable to deal with the liabilities complained of and the genesis of foundation for which the quantum has been decided to be a sum of Rs.12000/- per month.

In view of the submissions so advanced, I direct the learned Judicial Magistrate, 4th Court, Alipore to take steps for concluding the trial of the case within a period of three months from date provided the quantum of Rs.15000/- which has been fixed for the purposes of execution by the learned trial court be paid on each and every month during this period.

With the aforesaid observations, the revisional application being CRR 1924 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.)