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09.04.2024
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C.R.R.2551 of 2023

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973;

Shri Animesh Mondal
Versus
The State of West Bengal and another

Ms. Jeenia Rudra.
...for the petitioner.

Ms. Aiswarjya Gupta
Ms. Priyanka Saha.
...for the opposite party no.2.

Mr. Tanmoy Kr. Ghosh
Ms. Sonali Bhar.
...for the State.

The subject matter of the revisional application relates to an impugned order dated 19.04.2023 passed by the learned Additional District and Sessions Judge, Alipore in Criminal Appeal No.170 of 2022. The grievance of the petitioner is that he is earning as per salary receipt enclosed by way of gross salary Rs.37,000/- per month (except statutory deductions)

Having considered the same, I am of the view that after taking into account the liability of the present petitioner, 1/3rd of the gross amount earned would be commensurate with the status of the wife and the child. As the issue is relating to interim maintenance and there are other evidences to be placed on record by the wife which may include other earnings of the present petitioner, I am of the view that by way of interim measure as has been decided, some modification is required to be made in the

appellate court's order dated 19.04.2023 in Criminal Appeal No.170 of 2022.

Hence, I direct that the petitioner would pay a sum of Rs.6,500/- per month to the wife and another sum of Rs.6,000/- per month to the minor daughter, aggregating to a sum of Rs.12,500/- per month. If there are any arrears, learned trial court would calculate the arrears on the basis of the aforesaid amount. Petitioner is directed to clear the arrears by praying for installments, preferably whole of the arrears are to be cleared within a period of one year from the date of communication of this order.

So far as the main trial is concerned, learned trial court would fix one date in a month for the purposes of the trial of the case so that the same is taken to its logical conclusion within a reasonable period of time. No unnecessary adjournment be granted to any of the parties.

With the aforesaid observations, CRR 2551 of 2023 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.)

