

11.03.2024
Serial no. 23
[G.S.D]

CRR 2867 of 2023

In the matter of : Anirban Singha

... .. Petitioner

Mr. Krishna Das Poddar
Mr. Amit Dutta

... for the petitioner

Mr. Shounak Mondal
Mr. Sutirtha Das

... for the O.P.

Mr. Anowar Hossain
Ms. Manisha Sharma

... for the State

The petitioner has challenged the order dated 18th May, 2023 passed by the Id. JM, Addl. Court, Chinsurah, Hooghly in connection with Misc. Case No. 50 of 2017, which is pending under section 125 of the cr.p.c.

By the said order, the Id. Magistrate was pleased to award maintenance of Rs.5,000/- per month to the o.p.

Ld. Advocate for the petitioner submits that the petitioner is earning Rs.6,900/- per month and it is practically impossible for him to pay the sum of Rs.5,000/- per month as maintenance.

To that effect, Id. Advocate has drawn the attention of the court to the document which has been issued by the Director of Satya Hotels Private Ltd. situated at 3, Waterloo Street, Kolkata, 700 069.

The said document is a questionable document, as the document is devoid of any date and the amount which has been quoted over there in the certificate is below the prescribed wages to be paid under the Minimum Wages Act.

The quantum which has been quoted is purposely designed for not paying any maintenance to the wife. The said document was also not brought in by way of evidence and only enclosed to the Affidavit of Assets and liabilities, which was produced before the Court.

Affidavit of Assets and the liabilities are the documents, which would lay guideline for a court of law to award maintenance or interim maintenance. The same cannot take the place of proof which is to be considered by a court of law at the time of recording the evidence. The said document which has been produced before this court is not at all admissible in evidence.

However, the petitioner would be at liberty to canvass all this points before the Id. Magistrate by taking out an appropriate application under section 127 of the cr.p.c. The Id. Magistrate would make Hare Street Police Station to seize all the registers connected with the wages paid to the employees. If the said wage is not in consonance with the Minimum Wages Act, the employer would be hauled up for the same, if required, as thought fit and proper by the Id. Magistrate.

So far as the quantum which has been awarded in connection with Misc. Case No. 50 of 2017 by an order dated 18th May, 2023, the same is found to be reasonable and, as such, is not interfered with.

With the aforesaid observations, CRR 2867 of 2023 is disposed of.

Pending application, if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)