

M/L27
06.05.2024
Bpg.

C.R.R.3155 of 2023

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

Benazir Bhowmick
Versus
Shri Arunava Bhowmick

Mr. Dipanjan Dutt
Mr. Souma Subhra Ray.
...for the petitioner.

Mr. Subhodeep Ghosh
Ms. Papia Bhowmick.
...for the opposite party.

The order dated 08.09.2022 passed in C.1768 of 2021 reflects that from the affidavit of assets and liabilities as observed by the learned Judicial Magistrate, 2nd Court, Barasat, a sum of Rs.70,000/- per month was the earning of the husband/opposite party who worked as Assistant General Manager in Sugnuna Foods Pvt. Ltd. There are number of expenditures which has been recorded by the learned Magistrate which included EMI's, educational expenses of the daughter including a sum of Rs.5,00,000/- lumpsum paid for the upkeep of the minor daughter. The opposite party/husband also furnished details of medical ailments suffered by his own mother. The learned Magistrate in conclusion arrived at an interim monetary relief aggregating a sum of Rs.10,000/- per moth for the wife as well as the daughter.

The present petitioner being aggrieved approached the learned sessions court in Criminal Appeal No.78 of 2022. However, the learned Additional Sessions Judge, Fast Track, 3rd Court,

Barasat dismissed the said appeal.

Having regard to the earnings of the husband/opposite party, I direct that Rs.10,000/- per month to be paid to the wife and another sum of Rs.10,000/- per month to the minor daughter. Obviously, the aforesaid should be subject to changes if the husband is subsequently able to show any change of circumstances regarding his earning. Accordingly, the order dated 08.09.2022 passed by the learned Judicial Magistrate, 2nd Court, Barasat in C.1768 of 2021 as well as the appellate court's order in Criminal Appeal No.78 of 2022 dated 23rd June, 2023 is hereby set aside.

The opposite party/husband is directed to clear the dues in five equal installments.

With the aforesaid observations, CRR 3155 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.)