21.05.2024
Item No.28
Ct.No.34
dc.

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

C.R.R. 3636 of 2023
with
CRAN 1 of 2024

In the matter of : **Amitava Chattopadhyay** ... Petitioner.

Mr. Uday Sankar Chattopadhyay,
Ms. Rajashree Tah,
Ms. Trisha Rakshit,
Ms. Aishwarya Datta ... For the Petitioner.

Mr. Sanat Kumar Das,
Mr. Sujan Chatterjee,
Mr. Rohan Bavishi ... For the Opposite Party.

Affidavit-of-service filed in Court today be kept with the record.

The petitioner is directed to clear the dues at the rate of Rs.9000/- as decided by the learned Magistrate from 09.07.2021 to 30.06.2023. So far as the enhanced amount of Rs.25,000/- is concerned, the petitioner would pay that amount from 01.07.2023 to 31.05.2024. Whatever accruals are there, the petitioner will clear the same in four equal monthly instalments by 15.09.2024 along with the regular payments. If there are directions under the relevant provisions of the PWDV Act for any monetary relief, the said quantum should be adjusted from the present relief for interim maintenance granted in the proceedings under Section 125 of the Code of Criminal Procedure. It is reiterated that the regular maintenance decided by the Sessions Judge, should continue in addition to the equal monthly instalments so far as the arrears are concerned.

Mr. Chattopadhyay, learned advocate appearing for the petitioner has raised grievance that the petitioner is not allowed any entry at his house at Bardhaman. The same should not be an issue for non-payment. However, the petitioner in case is resisted from entering his residence at Bardhaman, a room in the said house may be directed to be kept free for the petitioner to enjoy the said property for which he is paying the monthly instalments towards the loan.

The learned Magistrate is directed to see that if any police assistance is required for entering the house, the said may be extended to the present petitioner. At the cost of repetition, it is directed that entry in the residence is not a condition precedent for clearing the arrears or the dues which have accrued and which are to be segregated and cleared in the mode and manner as directed above.

With the aforesaid observations, the revisional application being CRR 3636 of 2023 along with CRAN 1 of 2024 is 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.)