

07-05-2024
Subha
Item no. 30
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 4006 of 2023

Reema Gupta
-versus-
State of West Bengal and anr.

Mr. Satadru Lahiri
Mr. Anjan Banerjee
Mr. Sourav Pal
Mr. Sayantan Gayan
.....for the petitioner.

Mr. Soumyajit Das Mahapatra
Ms. Madhurai Sinha
.....for the private opposite party.

Petitioner has challenged the order dated 16-08-2023 passed by the learned Additional Sessions Judge, Fast Track Court No-5, Barasat, North 24 Parganas in Criminal Revision No. 223 of 2022 wherein the amount of interim maintenance passed by the learned ACJM, Bidhannagar was a subject matter of challenge. The learned ACJM, Bidhannagar awarded interim maintenance of Rs.40,000/- per month to the wife and Rs.40,000/- per month to the minor child aggregating to a sum of Rs.80,000/-.

The learned sessions court on an assessment of the materials placed before the court directed to pay a sum of Rs.10,000/- per month to the wife and Rs.20,000/- to the minor child. So far as the wife is concerned it reflects that the learned

revisional court relied upon a salary of Rs.25,99,950/- being drawn by the wife. However the income tax return as has been reflected in the revisional application reflects a gross earning of Rs.4,80,000/-.

Mr. Das Mahapatra, learned advocate for the opposite party contended that the wife has an earning of Rs.40,000/- per month as per the Income Tax Return.

Mr. Lahiri, learned advocate for the petitioner on the other hand contradicted that the said sum includes a sum of Rs.3,60,000/- being paid by the husband. The same is a question of fact which has been taken into consideration at the stage of the trial of the case.

So far as the affidavit of assets and liabilities are concerned, the opposite party/husband has reflected a net income of Rs.3,30,000/- per month approximately. In the said affidavit also for the child education the husband has reflected that he is bearing a sum of Rs.1,08,000/-.

Learned advocate for the wife/petitioner submits that till date she has not received any amount towards the child's education.

Having regard to the disputes regarding the payment which the husband opposite party claims that he has disbursed and the wife petitioner claims that she has not received, I direct that the said quantum must be incorporated in the interim maintenance so awarded. So far as the wife's maintenance is concerned, having regard to the status, which the wife was maintaining prior to the separation, I am of the view that the quantum so awarded by the

learned Sessions Court is requires a revision.

Accordingly, I direct that the opposite party husband would pay a sum of Rs.20,000/- per month to the wife petitioner and Rs.30,000/- per month to the minor child aggregating to a sum of Rs.50,000/-.

So far as the amount which has been awarded to the child is concerned, the said amount of Rs.30,000/- would be paid from the date of filing of the application subject to set off in respect of the payments which have been made.

So far as the wife is concerned the sum of Rs.10,000/- so awarded by the learned sessions court would be paid from the date of filing till August, 2023. On and from September, 2023, the enhanced sum of Rs.20,000/- would be paid subject to set off in respect of payments which have already been made.

Learned Magistrate would take into consideration that if the amount has already been paid, the same need not be taken as arrears which has accrued in connection with the instant case. If there are any dues left then the month for which the quantum has been paid should be set off from the total dues so accrued.

With the aforesaid observations, the revisional application being CRR 4006 of 2023 is disposed of.

Pending applications, if any, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]

