

26.02.2024
Serial no. 6
[G.S.D]

CRR 4501 of 2023

In the matter of : Sudipta Batabyal

... .. Petitioner

Mr. Amitabha Karmakar
Mr. Arup Kumar Bowmick

... for the petitioner

Affidavit of service so filed by the petitioner be kept with the record.

The petitioner has challenged the judgment and order dated 1.8.2023 passed by the Id. Additional Sessions Judge, Chandernagore in Criminal Revisional Case No. 25 of 2022.

The said revisional application was preferred challenging the order dated 5.7.2022 passed by the Id. JM, 2nd Court, Chandernagore in Case No. 340 of 2019 under section 125 of the cr.p.c.

The said revisional application was preferred against the interim order of maintenance being passed wherein the Id. Trial court was pleased to award Rs.4,000/- per month to the wife and Rs.4,000/- per month to the minor child.

Having regard to the relief granted as an interim measure during pendency of the main proceedings being

Case No. 340 of 2019, I am of the view that, at this stage, no interference can be made.

However, the petitioner is granted liberty to take out his defence in course of the trial. The Id. Magistrate would independently decide the final quantum of maintenance without being influenced by any of the observations made by this court in this revisional application.

With the aforesaid observations, CRR 4501 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.)