

4.3.25
S.D
Item no.13

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 4215 of 2024

Sukamal Biswas
-Vs-
Barnali Biswas

Mr. Debabrata Ray
Ms. Sarbani Mukhopadhyay
Mr. S. Mondal **For the Petitioner.**

Affidavit of service be kept in record.

Lower court record is there.

None appears for the opposite party.

The instant application is filed by the petitioner being aggrieved by the order dated 27th June, 2024 passed by the learned Additional Sessions Judge, Kalyani, Nadia in Criminal Revision No. 33 of 2024, affirming the order of the learned Additional Chief Judicial Magistrate Kalyani, Nadia in Misc. Criminal Case No. 351 of 2022 dated 28th March, 2024, granting interim maintenance to the tune of Rs.5,000/- p.m. with effect from the date of filing.

Certified copies of the impugned order are filed.

There is concurrent finding of two courts below on quantum of maintenance.

Learned Counsel for the petitioner submitted that his client has to undertake liability for treatment of his ailing father, which factor should be taken into consideration by the learned Trial Court.

Necessary medical documents were filed before the learned Additional Sessions Judge, Kalyani, Nadia.

The impugned order is for payment of interim maintenance. The petitioner is at liberty and has option to adduce evidence before the learned Trial Court before passing the final order of

maintenance.

For the time being, when there are concurrent findings of the two courts below and there is no apparent illegality or irregularity in the impugned orders, this Court is circumspect and refrained from interfering into the order.

However, the petitioner has the liberty to file appropriate application before the Trial Court for modification or variation of the order.

The instant criminal revisional application being CRR 4215 of 2024 stands disposed of accordingly. It is specifically mentioned that observations made herein is tentative only. The Trial Court shall decide and adjudicate upon the issue without being influenced by this order.

(Sugato Majumdar, J.)