

16.06.2026

Serial no. 29

[Srimanta]

Ct. No. - 29

IA NO: CRAN/1/2026
in
CRR 1089 of 2026

In re : An Application under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973 corresponding to Section 528 of the Bharatiya Nagarik Sureaksha Sanhita, 2023

-And-

In the matter of : BIPUL DEY

... .. Petitioner

Mr. Pawan Kumar Gupta,
Mr. Manish Biswas, Advocates

... .. For the Petitioner.

1. The petitioner herein is aggrieved by the order dated 28.10.2025 passed by learned Judicial Magistrate, 2nd Court, Jangipur in M.R. Case No. 298/2024. By the impugned order, the Court below allowed interim maintenance of Rs.10,000/- in favour of the wife/opposite party herein in the first part of his order. Thereafter, he had taken up the application filed by the petitioner herein under Section 91 Code of Criminal Procedure and thereby he requisitioned the account statement regarding fixed deposit lying at Raghunathganj Head Post Office and the State Bank of India, Jangipur in order to ascertain whether the wife/opposite party herein is unable to maintain herself or not. Mr. Gupta, learned Counsel appearing on behalf of the petitioner/husband submits that Court below ought to

have first called for the document that he has requisitioned by the second part of the order and, thereafter, on perusal of the same, he ought to have decided the question of granting interim maintenance. But, unfortunately he had adopted the reverse procedure and thereby causing prejudice to the petitioner/husband.

2. Having considered the facts and circumstances of the case, the prayer of the petitioner is found innocuous and if it is allowed in terms of the prayer made therein, the opposite party shall have no cause to prejudice, and as such the service of copy of application upon the opposite party is hereby dispensed with.
3. It appears that the Court below had already requisitioned the certified copies of the account opening forms and account statements for the last three years in respect of the accounts bearing number mentioned in the petition. I am informed that the report from the Postal Department has already been received by the Court below but the report from the Bank and the Land Department has not yet been received.
4. Therefore, the instant application being CRR/1089/2026 is hereby disposed of by giving liberty to the petitioner to inspect the documents which have been requisitioned by the Court below and, thereafter, further liberty is given to him to make a prayer before the Court below under the

provision of Section 127 CR.P.C. Section 146 BNSS for alteration of maintenance order, if any, and in the event of filing of such application by the petitioner, the Court below will dispose of such prayer at the earliest without being influenced by any observation made herein.

(Dr. Ajoy Kumar Mukherjee, J.)