

10.07.2026

Serial nos. 21

[Srimanta]

Ct. No. - 29

CRR 2620 of 2026

ARJUN KUMAR GIRI

-VS-

STATE OF WEST BENGAL & ANR.

Mr. Aniruddhya Bhattacharyya,

Mr. Debayan Ghosh,

Ms. Anushka Bose, Advocates

... .. For the Petitioner.

Mr. Shayak Chakraborty, Advocate

.....For the Opposite Party No. 2.

1. In this application, the petitioner has assailed the order dated 4th June, 2026 by which the Court below had directed the petitioner to pay enhanced amount of Rs.30,000/- keeping pending the petitioner's application under Section 127 of the Code of Criminal Procedure.
2. It is submitted on behalf of the petitioner that the petitioner earlier preferred a revisional application before this Court being CRR/2105/2025 and this Court by an order dated 14.05.2026 was pleased to give liberty to the petitioner to make appropriate application before the Court below seeking addition and alteration of the maintenance amount in view of the alleged changed circumstances and it was further directed that in the event of filing such application, appropriate forum will dispose of such prayer in accordance with law as expeditiously as possible. Such situation arose in view of petitioner's submission that his income has been substantially decreased due to winding up the company.

After granting such liberty the petitioner herein has made application before the Court below under Section 127 of the Code of Criminal Procedure which was fixed for hearing on 30th July, 2026. In the meantime, by the impugned order the Court below without assigning any reason has directed the petitioner to pay Rs.30,000/- to the wife/opposite party till disposal of the application under Section 127 of the Code of Criminal Procedure filed by the petitioner.

3. Since the order impugned is bereft any reason, I find that it suffers from perversity and as such the order impugned is not sustainable in the eye of law. In view of above, the impugned order dated 04.06.2026 is hereby set aside. The Court below is directed to dispose of petitioner's application on the next date, i.e., 30.07.2026 or preferably within a period of 30 days thereafter. However, this order will not prevent the opposite party herein to realize arrear amount, if any, by filing appropriate execution proceeding before the appropriate forum if any such arrear amount has not been paid subject to the other provisions of law. Petitioner shall go on paying an amount of Rs.20,000/- per month till disposal of application under Section 127 of the Code of Criminal Procedure. The application thus stands disposed of.

(Dr. Ajoy Kumar Mukherjee, J.)