

23.07.2021

Item no.2

Ct. No.34

CHC

C.R.R. No.1384 of 2014
IA NO: CRAN/1/2014 (Old No: CRAN/2140/2014)

(Via Video Conference)

In Re: An application under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973.

AND

In the matter of:-

Ibrahim Mondal

... petitioner

Mr. Tapas Kumar Ghosh,

Mr. Tanmoy Chowdhury

...for the petitioner

Affidavit-of-service so filed be kept with the record.

This revisional application was preferred against the order dated 12.03.2014, passed by the learned Additional Chief Judicial Magistrate, Chandernagore, in Misc.Case No.177 of 2011, wherein, the learned Magistrate was pleased to award maintenance of Rs.2,500/- per month to the wife and Rs.1000/- to the minor son.

Mr. Ghosh, learned advocate appearing for the petitioner submitted a photostat copy of the list of challan and submitted that at the time of admission of the present revisional application a coordinate Bench of this Court was pleased to direct the present petitioner to pay a sum of Rs.2,000/- per month and liquidate the arrears by 10 equal monthly instalments, which would be paid along with the current maintenance.

In view of the fact that the petitioner has been paying the amount of Rs.2000/- to the wife/opposite party and Rs.1,000/- per month to the minor son, aggregating to a sum of Rs.3,000/- for a period of more than six and a half years, I am of the view that interim order so passed on 25.04.2014 be made absolute.

Mr. Ghosh, learned advocate submits that there are fresh evidence available to the petitioner.

In view of the aforesaid circumstances, I direct that in case, the petitioner prefers an application under the relevant provisions, regarding the fresh evidence which is available thereby changing the circumstances under which the order was so passed by the learned Magistrate, the Magistrate will afford an opportunity to the petitioner. Learned Magistrate will try to dispose of such application within a period of three months from the date of communication of this order and if required will arrive at a fresh finding.

With the aforesaid observations, C.R.R.1384 of 2014 is disposed of.

Pending application, if any, is consequently disposed of.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)