

30.07.2021
Item no.12
Ct. No.34
CHC

C.R.R. No.117 of 2011

(Via Video Conference)

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

AND

In the matter of:-

Sampa Mandal

... petitioner

The grievance of the present petitioner relates to the order dated 06.09.2010, passed by the learned Judicial Magistrate, 7th Court, Howrah, in Misc. Case No.147 of 2002 under Section 125 of the Code of Criminal Procedure. The grievance of the petitioner relates to quantum of maintenance.

The order reflects that the learned Magistrate was pleased to award maintenance of Rs.2,000/- per month to the wife and two minor daughters aggregating to Rs.6000/-. The contention of the petitioner is that the learned Magistrate has awarded meagre amount which is not sufficient for sustaining herself along with two daughters.

Having regard to the contention so advanced, I find some force in the issues so far as the quantum of maintenance is concerned. But having regard to the fact that the revisional application is pending for more than ten years before this Court, it would not be fit and proper at this belated stage to exercise its jurisdiction.

Accordingly, learned Magistrate is directed to issue notice to hear both the parties and thereafter, come to a fresh finding regarding the quantum of maintenance to be awarded provided the circumstances in the meantime have not changed.

Accordingly, C.R.R.117 of 2011 is disposed of.

Department is directed to communicate this order to the learned court below within a period of seven days.

Learned court below is directed to dispose of the fresh issue regarding quantum within a period of three months from the date of communication of this order.

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

(Tirthankar Ghosh, J.)