

(Through video conference)

03 13.09.2021
Dd

CRR 261 of 2010

In the matter of : **Rabi Sankar Dawn**
Vs.
Smt. Jayanti Dawan & Anr.

The criminal revision is listed for hearing as contested application. On repeated calls, none appears for the petitioner nor for opposite party members. The affidavit-of-service in respect of opposite party nos. 1 and 2 is not found in the record.

On a perusal of the earlier orders it appears that date was fixed in this case on 04.02.2010 and, thereafter, on 09.09.2021. On the earlier date, the case was adjourned for extending an accommodation to the petitioner and the respondent no. 1 to take appropriate steps.

This application under Sections 401 and 482 of the Criminal Procedure Code has been filed by the petitioner/husband against judgment and order date 31.10.2009 passed by Learned Judicial Magistrate, 6th Court, Paschim Medinipur in M.R. Case No. 364 of 2003, T.R. No. 168 of 2003 wherein the case for maintenance under Section 125 of Criminal Procedure Code was allowed on contest, directing the present petitioner/husband to pay Rs. 1000/- per month to his wife and Rs.700 per month to the minor from the date of the order.

Being aggrieved by and dissatisfied with the impugned order, the petitioner/husband approached this Court and prayed for a stay of the impugned order, which was allowed by this Court on 04.02.2010 for a period of twelve weeks on condition on condition that the petitioner shall go on paying a sum of Rs.700/- each per month to the wife/opposite party and her minor as their monthly maintenance.

I have perused the impugned order and judgment and the application of revision. The petitioner had denied his marriage with opposite party no. 1 and the paternity of the child. However, from the evidence of the witnesses examined before Learned Magistrate, it was decided that there was a valid marriage between the petitioner and OP no. 1 and the child was born to them. Petitioner being the husband had means to maintain the wife and the minor child but having neglected to maintain them, she was compelled to take recourse to law seek an order of maintenance from the Court. After taking into consideration the means of the husband and his landed properties, Learned Magistrate had ordered the petitioners to pay the maintenance to the wife and child.

After passage of more than ten years the quantum of maintenance allowed to the parties has lost its relevance due to galloping rise in price of essential commodities. I find no illegality, irregularity or impropriety in the order passed by Magistrate and the same calls for no interference. The prayer for setting aside the impugned judgment and order is therefore dismissed ex parte on its merit.

The criminal revisional application is, accordingly, disposed of.

Stay, if any, is vacated.

Let a copy of this order be sent to Learned Judicial Magistrate, 6th Court, Paschim Medinipur for necessary information.

(Ananda Kumar Mukherjee, J)