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C.R.R.445 of 2010
with
C.R.R. 446 of 2010
In the matter of Sourav Maity.....petitioner.
Mr. Binay Kumar Panda
Mr. Pravas Bhattacharyya
...for the State.

None appears on behalf of the contesting petitioner to this revisional application.

Mr. Binoy Kumar Panda along with Mr. Narayan Prasad Agarwal, learned Advocates who usually appear on behalf of the State are requested to appear in this revisional application.

Learned Legal Remembrancer is requested to regularize the appointment of Mr. Binoy Kumar Panda and Mr. Narayan Prasad Agarwal learned advocates in due course.

From the record, it is found that the learned Additional Chief Judicial Magistrate, Ghatal, Paschim Medinipur passed the judgement and order dated 6.2.2009 in connection with Misc. Case No. 6 of 2008 under Section 125 of Cr.P.C. and challenging the order of respective petitioner filed criminal revision before the learned District Judge, Paschim Medinipur in Criminal Revision No. 122 of 2009 and 103 of 2009. Learned Additional District Judge modified the order by reducing quantum of maintenance from Rs. 1,000/- to Rs. 700/-.

On careful perusal of the judgement, I do not find any illegality or irregularity in the order. It has been decided in plethora decision of the Hon'ble Apex Court that in revision against the order awarding maintenance the Magistrate under Section 125 of Cr.P.C., the revisional court has no power to re-assess the evidence and substituting own findings. The questions whether the applicant is a married wife, the children are legitimate or illegitimate, being pre-eminently questions of fact, cannot be re-opened at the revisional stage and revisional court cannot substitute its own view.

Considering all facts and circumstances as well as non-appearance of this parties for a long period, I do not any necessity to continue with this revisional application.

Thus, both the revisional applications are disposed of accordingly.

(Bibhas Ranjan De, J.)

