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December
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C.R.R. No.1104 of 2021
(Via Video Conference)

In Re: An application under Section 482 of the Code of Criminal
Procedure;

Bijoya Sen and another
Versus
Mrinal Kanti Sen

Mr. Kollol Kumar Basu,
Md. Jannat Ul Firdous.
...for the petitioners.

Mr. Manas Kumar Das,
Mr. Hirak Roy.
...for the opposite party.

The petitioners are aggrieved by the judgment and order dated 11.07.2018 passed by the learned Judicial Magistrate, 3rd Court, Katwa, Burdwan in T.R. No.43 of 2012 which was affirmed in Criminal Revision No.115 of 2018 by the learned Additional Sessions Judge, 2nd Court, Katwa, Burdwan.

I have heard the submissions of Mr. Kollol Kumar Basu, learned advocate appearing for the petitioners and Mr. Manas Kumar Das, learned advocate appearing for the opposite party.

Records reflect that the opposite party/husband happens to be a teacher of a primary school (which according to the petitioners presently has altered and the opposite party happens to be the headmaster of a primary school).

Learned Magistrate after considering whole of the evidence arrived at a finding whereby he was pleased to award

maintenance of Rs.2,500/- per month to the wife and Rs.2,000/- per month to the minor daughter.

I am conscious of the fact that if there are gross changes of circumstances, it is the duty of the petitioners to apply before the learned Magistrate under the statutory provisions for enhancement. But even if the date on which the order was passed is taken into consideration, I am of the view that the quantum of award is not commensurate with the standard of the living, which the wife and daughter of a primary school teacher ought to maintain.

Having regard to the same, I am of the opinion that an alteration of the quantum of award is required to be passed.

Accordingly, the judgment and order dated 11.07.2018 passed by the learned Judicial Magistrate, 3rd Court, Katwa, Burdwan in T.R. No.43 of 2012 which was affirmed in Criminal Revision No.115 of 2018 by the learned Additional Sessions Judge, 2nd Court, Katwa, Burdwan is hereby set aside.

As such, the opposite party is directed to pay a sum of Rs.6,000/- per month to the wife/petitioner no.1 and Rs.6,000/- per month to the minor daughter (petitioner no.2) which are to be paid in the same mode and manner as decided by the learned Magistrate. However, this quantum of Rs.12,000/- per month is to take effect on and from 1st September, 2021. Arrears, if any in respect of the enhancement amount are to be given effect on and from 1st September, 2021.

It has been submitted by Mr. Kollol Kumar Basu that execution cases are pending.

Learned Magistrate is directed to expedite the same in accordance with law.

With the aforesaid observations, CRR 1104 of 2021 is partly allowed.

Pending application, if any, is consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)