

17.06.2021

Item No.22
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 1056 of 2008
(Via Video Conference)

Md. Ayub Ali Akhan
versus
Rabia Bibi

In Re: An Application filed under Section 482 read with Sections 401 & 403 of the Code of Criminal Procedure.

None appears for the petitioner and the opposite party.

The present revisional application has been preferred against the order dated 01.10.2007 passed by the learned Judicial Magistrate, 8th Court, Alipore, South 24-Parganas arising out of Misc. Case No. 43/1999 under Section 127 of the Code of Criminal Procedure.

I find from the order so passed by the learned Magistrate that previously on 31.08.1995, a sum of Rs.350/- was allowed as maintenance amount for the minor child. The opposite party as such filed an application for enhancement of the said quantum. The reason so assigned by the learned Magistrate is that on 31.08.1995 when the order for maintenance was passed, the child was of such age that he was not studying in school, but when the application under Section 127 of the Code of Criminal Procedure was preferred, the minor child was studying in school and there was cost involved. The learned court thereafter considering the petitioner's income, awarded a sum of Rs.1,200/- per month as maintenance for the minor child after having regard to the socio-economic status of the parties.

I have perused the reasonings assigned by the learned Magistrate and the quantum which was allowed for the purpose of maintenance of the minor child. Having regard to the reasons so assigned and the quantum so involved, I am of the view that the same do not call for any interference of this Court.

Accordingly, CRR 1056 of 2008 is dismissed.

Interim order, if any, is hereby vacated.

The opposite party will be at liberty to recover the arrear dues after taking out appropriate application in terms of the provisions of the Code.

All connected applications are 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.)