

16.12.2021

C.R.R.1558 of 2011

sl.6,
sk
ct.29

In the matter of Barun Malakar.....petitioner

The revisional application is taken up for hearing.

None appears on behalf of the parties in spite of repeated calls.

From the record, it appears that this revisional application was filed challenging the judgment dated 24th December, 2010 passed by the learned A.C.J.M., Ghatal, Paschim Medinipur in connection with 104 of 2009 under Section 125 of Cr.P.C.

After careful perusal of the judgment annexed with revisional application parties that the learned court vividly discussed the evidence on record and come to a finding allowing maintenance to the tune of Rs. 1,000/- for the petitioner no. 1 and Rs. 500/- for the petitioner no. 2 total Rs. 1,500/-.

I do not find any illegality or irregularity in the judgment itself and regarding quantum of maintenance cannot be ordinarily discussed in revision by the High Court. In this regard I can rely on a case of MST Jagir Kaur Vs. Jaswant Singh, AIR 1963 SC 1521.

It is further held by the Hon'ble High Court in various decisions that the revisional court has no power to re-assess the evidence and substituting its own findings in revision against the order awarding maintenance by Magistrate under Section 125 of Cr.P.C.

In view of the matter, the revisional application is liable to be dismissed. Thus the revisional application stands disposed.

Let a copy of this order be communicated to the learned court below through the Registrar (Judicial Services) forthwith.

(Bibhas Ranjan De, J.)