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C.R.R. 1626 of 2011

In the matter of : Dandip Das Mondal ...petitioner.

Mr. Binay Kumar Panda
Mr. Pravas Bhattacharyya
...for the State.

Mr. Binoy Kumar Panda along with Mr. Pravas Bhattacharyya, 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. Pravas Bhattacharyya learned advocates in due course.

This revisional application is directed against the judgment and order dated 21.1.2011 passed by the learned Additional District & Sessions Judge, 2nd Court, Paschim Medinipore in Criminal Revision Case No. 288 of 2009 thereby affirming the order dated 3.7.2009 passed by the learned Additional Chief Judicial Magistrate, Jhargram in M.R.Case No. 45 of 2006 directing payment of maintenance under Section 125 of the Criminal Procedure Code.

Learned Advocate on behalf of the State appears and submits that none is appearing in this case since 2011.

From the copy of the judgment of learned A.C.J.M., Jhargram as well as that of the learned Additional District & Sessions Judge, 2nd Court, Paschim Medinipore, I find hardly any necessity to interfere with the order of maintenance under Section 125 Cr.P.C.

It has been decided by the Hon'ble Apex Court in several cases that the revisional court has no power to re-assess the evidence and substituted it's own finding in a revision application against the order awarding maintenance by the Magistrate under Section 125 Cr.P.C.

That apart, finding of fact of quantum of maintenance which was affirmed by the learned Additional District & Sessions Judge, 2nd Court, Paschim Medinipore, cannot be ordinarily disturbed in revision.

Considering all facts and circumstances of this case, the revisional stands dismissed.

The learned Registrar (Judicial Services) is requested to communicate this order to the learned Additional District & Sessions Judge, 2nd Court, Paschim Medinipore, forthwith.

(Bibhas Ranjan De, J.)