

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR No. 2605 of 2021

In Re : Rajib Panja Petitioner.

In the matter of : An application under Section 482 read
with Section 401 of the Code of
Criminal Procedure.

Mr. Ayan Basu
Mr. Mujibar Ali Naskar
...for the petitioner.

Mr. Basu, learned advocate appearing for the petitioner is aggrieved by the order dated 30.11.2021 passed by the learned Additional Sessions Judge, 5th Court, Howrah in Criminal Appeal Case No. 4 of 2021 wherein the order dated 2nd February, 2021 passed by the learned Judicial Magistrate, 1st court, Howrah in connection with Misc. Case No. 558C/2018 of the P.W.D.V Act, 2005 was affirmed and a direction was passed to pay a sum of Rs.45,000/- per month to the opposite party no. 1 towards her maintenance and medical expenses as also to hand over the keys of the flat were awarded.

Learned advocate submits that there has been complete change of circumstances in the meantime and the petitioner has already lost his job. Such circumstances were

brought before the appellate court. However, the learned trial court restricted its consideration to the legality of the order passed by the learned Magistrate and ignored such contention of the appellant/petitioner.

In view of such submissions being advanced, I direct the appellant/petitioner to take out an appropriate application before the learned Magistrate disclosing all the documents which would refer to the change of circumstances.

So far as the part of the order so recorded by the learned appellate court regarding the petitioner/appellant losing his job is concerned is, hereby, set aside. The Magistrate would freshly consider the same.

The learned court after effecting service upon the aggrieved person would fix a date within a period of four weeks of the filing of the application and dispose of the application in accordance with the law within a period of six weeks from the date of the application.

With the aforesaid observation, the revisional application being CRR 2605 of 2021 is disposed of.

All parties are to act on the server copy of this order duly downloaded from the official website of this court.

(Tirthankar Ghosh, J.)