

16.09.2021
item No.31
n.b.
ct. no. 34

CRR 2720 of 2012
With
CRAN 1 of 2020(Old CRAN 2673 of 2012) (file not here)
(via video conference)
Smt. Shefali Roy
-Vs-
Sri Biswanath Roy

The revisional application was preferred against the judgment and order dated 20th February, 2012 passed in Misc. Case No.120 of 2008 by the learned Judicial Magistrate, 5th Court, Barracpore wherein an application under Section 127 of the Code of Criminal Procedure filed at the instance of the present petitioner was dismissed. The said order was passed in the year 2012.

Having regard to the change of circumstances which has taken place, I am of the view that the order of the Judicial Magistrate is required to be reconsidered. Accordingly, the matter is remanded back to the learned Judicial Magistrate, 5th Court, Barracpore. Learned Magistrate after issuing notice would reconsider the application under Section 127 of the Code of Criminal Procedure, provided the maintenance amount has not been enhanced in the meantime.

Accordingly, CRR 2720 of 2012 is partly allowed and the order passed by the learned Magistrate dated 20.02.2012 refusing enhanced amount is hereby set aside.

All pending connected applications, if any, are consequently disposed of.

The Department is directed to communicate this order to the Jurisdictional Court who would issue notice to the parties and complete the hearing within three months from date.

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

(Tirthankar Ghosh, J.)