

18.08.2021

Item No.23
Ct.No.34
dc.

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

C.R.R. 2886 of 2017
(Via Video Conference)

Smt. Rainy Ghosh
versus
State of West Bengal & Ors.

In Re: An Application under Section 397 read with Section 482 of the Code of Criminal Procedure, 1973.

Mr. Pawan Kumar Gupta,
Mr. Avishek Prasad ... For the Petitioner.

Mr. Sanjay Banerjee,
Ms. Suveni Banerjee ... For the Opposite Party No.2.

The wife/petitioner is aggrieved by the quantum of maintenance of Rs.5000/- per month awarded in connection with M Case No. 143/10 (Trial No.175/10) passed by learned Judicial Magistrate, 2nd Court, Barrackpore.

During the pendency of this revisional application, the petitioner preferred a supplementary affidavit enclosing documents relating to the amount presently received by the opposite party no.2/husband after his retirement from service which she obtained by invoking appropriate provisions of law.

Mr. Sanjay Banerjee, learned advocate appearing for the husband/opposite party no.2 has opposed the contentions advanced by the petitioner.

As the order was passed more than four years ago and the documents which have been placed before this Court were not subject matter of consideration by the learned

Magistrate while fixing the quantum, I am of the view that if an application under the relevant provisions of law for enhancement is filed by the wife, the learned Magistrate would consider the same in the background of the requirements of the wife, including the present cost of living required vis-à-vis the status she should have enjoyed.

The wife/petitioner will be at liberty to produce the document which has been filed by way of supplementary affidavit before this Court being the letter dated 27.11.2020 issued by Deputy General Manager (HR&A) & Public Information Officer of the West Bengal Power Development Corporation Limited.

If an application in the nature as referred to above is preferred by the wife, the learned Magistrate would take all efforts to dispose of the same within a period of three months.

However, it is reiterated that at this stage after four years, this Court is not inclined to enter into the correctness of the quantum so awarded by the learned Judicial Magistrate.

With the aforesaid observations, CRR 2886 of 2017 is disposed of.

All pending connected applications, if any, are consequently 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.)