

24.09.2021
Ct No. 34
SL. No. 17
Somnath (PA)

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE
(Through Video Conference)**

CRR 3242 of 2012

In the matter of : Sri Nitai Daspetitioner.

In Re: An application under Section 482 of the Code of Criminal Procedure.

The present revisional application has been preferred against the order dated 8th August, 2012 passed by the Learned Sessions Judge, Bankura in Criminal Revision No 61 of 2011 thereby modifying the order dated 26th July, 2011 passed by the Learned Judicial Magistrate, 4th Court, Bankura in Miscellaneous Case No. 30 of 2011. The Learned Magistrate on an appreciation of the evidence placed before him was pleased to allow the prayer for maintenance under Section 125 of the Code of Criminal Procedure and awarded a sum of Rs. 2000/- per month to the wife and Rs. 2000/- per month to the minor son, aggregating to an amount of Rs. 4,000/-. The husband (being the present petitioner) approached the learned Sessions Judge in its revisional jurisdiction and the learned Sessions Court reduced the

amount from Rs. 2,000/- each to Rs. 1,500/- each in respect of the opposite party/wife and the minor son.

Considering the judgment delivered by the Learned Judicial Magistrate as well as Learned Sessions Court and having regard to the reasons assigned for reducing the quantum of maintenance, I am of the opinion that the reasons are not based on cogent ground and as such requires interference of this Court.

Accordingly, the order passed by the Learned Sessions Judge, Bankura on 08.08.2012 in Criminal Revision No. 61 of 2011 is set aside. Consequently, the order dated 26.07.2011 passed by the Learned Judicial Magistrate, 4th Court, Bankura in Miscellaneous Case No. 30 of 2011 is affirmed.

Thus, CRR 3242 of 2012 is allowed.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby vacated. The opposite party/wife will be at liberty to take out appropriate application before the Learned Judicial Magistrate for recovery of the arrears.

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

(Tirthankar Ghosh, J.)