

17.06.2021
Item no.17
Ct. No.34
CHC

C.R.R. No.3777 of 2007

In Re: An application under Sections 397, 401 and 482 of the Criminal Procedure Code.

AND

In the matter of:-

Sk. Sirajul Islam

... petitioner

None appears on behalf of the petitioner or for the opposite parties.

The present revisional application has been preferred against the judgement and order dated 06.09.2007, passed by the learned Judicial Magistrate, 1st Class, Haldia, Purba Midnapur in Misc.Case No.43/04 [corresponding to TR 20/04 (16)] under Section 125 of the Code of Criminal Procedure.

The order dated 06.09.2007 reflects that learned Magistrate after considering the evidence allowed the application under Section 125 of the Code of Criminal Procedure and granted maintenance allowance of Rs.1,000/- per month on and from September, 2007, thereby directing opposite party/husband to pay the aforesaid sum of Rs.1,000/- by the 10th day of each succeeding month as per English Calendar.

I have considered the judgement and order passed by the learned Judicial Magistrate, Haldia as also the reasons assigned by him and taking into account the chronology of facts as

narrated by him in the judgement and order dated 06.09.2007, I find that there is no scope for interference by this Court. So far as the quantum of Rs.1,000/- is concerned which is the maintenance, I am also of the view that the present cost index do not satisfy the conscience of this Court to reduce the same.

It is reflected from the order dated 26.11.2007 and 28.02.2008 that there was an interim order initially passed by this Court which existed for a period of six months after 28.02.2008. As this Court is reluctant to interfere with the judgement and order of maintenance which was passed by the learned Judicial Magistrate, Haldia, I am of the view that if there are any arrears left for recovery by the wife (opposite party herein), she would be entitled to recover the same by taking out an appropriate application before the learned Judicial Magistrate, Haldia.

The judgement and order dated 06.09.2007 passed by the learned Judicial Magistrate, Haldia is hereby affirmed. As such the revisional application being C.R.R.3777 of 2007 is dismissed.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)