

18.06.2021
Item no.15
Ct. No.34
CHC

C.R.R. No.3314 of 2010
IA NO: CRAN/1/2010 (Old No.CRAN/3642/2010)

(Through video Conference)

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973.

AND

In the matter of:-

Radha Krishna Giri

... petitioner

Mr. Sourav Chatterjee

...for the petitioner

Mr. Chatterjee, learned advocate appearing for the petitioner draws attention of this Court to the application under Section 5 of the Limitation Act.

I have perused the same and I find that condonation of delay of 112 days as prayed for are reasonable and the grounds are found to be sufficient. As such, the delay which has occurred in preferring the revisional application is condoned. Accordingly, C.R.A.N.1 of 2010 (Old No. C.R.A.N.3642 of 2010) is allowed.

I have applied my mind to the judgement and order dated 30th April, 2010 passed by the learned Judicial Magistrate, 3rd Court, Contai, Purba Medinipur in connection with Misc.Case No.148 of

2005 wherein the learned Magistrate was pleased to allow the maintenance of Rs.1000/- per month to the wife (opposite party no.2 herein) and Rs.700/- per month for each of the two minor sons.

Learned Magistrate further proceeded to hold that the said total amount of Rs.2400/- per month would be paid from the date of the order and the same should be paid by the 10th day of each succeeding month of the English calendar year. Additionally, learned court imposed cost of Rs.5,000/- to the petitioner to be paid within three months from the date of said order.

It would not be out of place to state that the learned Magistrate specifically directed that so far as the two minor sons are concerned the said amount of maintenance would be paid till they attain majority. In view of the period which has expired in the meantime and the ages of the minor sons which have been referred in the application under Section 125 of the Code of Criminal Procedure which was filed in the year 2005, I am of the view, that by this time, two minor sons have attained majority. So far as the o.p. no.2 is concerned, the direction which was passed was Rs.1,000/- only.

Having regard to the present cost of living, I do not find that the said quantum calls for any interference by way of this revisional application which is being considered at a belated stage after 11 years.

Accordingly, the revisional application is disposed of without any order as to costs.

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

(Tirthankar Ghosh, J.)