

Sr. 15
21-06-2021
Subha.
Court no. 34

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

CRR 3870 of 2016

In Re : **Smt. Chaitaly Das.**

.....Petitioner.

In the matter of : An application under Sections 397/401 read with Section 482 of the Code of Criminal Procedure, 1973.

Mr. Kaushik Gupta

...for the petitioner.

Mr. Kaushik Gupta, learned advocate submits that he is engaged by the High Court Legal Services Authority on behalf of the opposite party but in a different revisional application. The subject-matter of both the revisional applications arise out of the same order.

Mr. Gupta, learned advocate, who is empanelled in the High Court Legal Services Authority is directed to appear in this matter and represent the petitioner. The concerned department of High Court Legal Services Authority is directed to regularize his appointment.

I have perused the order passed by the learned Additional District & Sessions Judge, Fast Tract Court No-3, Barasat, North 24 Parganas in Criminal Revision No. 140 of

2014 which is the subject-matter of grievance of the present petition. The order reflects that the learned Sessions Court while exercising its revisional jurisdiction was pleased to reduce the quantum of maintenance from Rs.10,000/-per month to Rs.8000/- per month and the same is the subject-matter of grievance.

Having regard to the present cost of living, the status of the parties and the age of the present petitioner, I am of the view that the same requires re-consideration by the original court, which decided the quantum of maintenance to be allotted.

Accordingly, the learned Judicial Magistrate, 2nd Court, Barasat, North 24 Paraganas is directed to re-consider the quantum of maintenance to be allotted to the present petitioner. The order dated 9th September, 2016 so passed by the learned Additional District & Sessions Judge, Fast Tract Court No. 3, Barasat, North 24 Parganas in Criminal Revision No. 144 of 2016 is, accordingly, set aside for the present.

The opposite party/husband is directed to continue the payment of maintenance, which he had been paying till date till the same is decided by the learned Magistrate afresh.

With the aforesaid observation, the revisional application being CRR 3870 of 2016 is disposed of.

Department is directed to communicate this order to the learned Additional District & Sessions Judge, Fast Tract Court No-3, Barasat, North 24 Parganas as well as to the

learned Judicial Magistrate, 2nd court, Barasat, North 24 Parganas.

All parties are to act on the server copy of this order duly downloaded from the official website of this court.

(Tirthankar Ghosh, J.)