

30.11.2021

Item No.16

Ct.No.3

dc.

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 64 of 2021
(Via Video Conference)

**Sri Mohini Barman @ Mohinimohan Barman
versus
The State of West Bengal & Anr.**

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

Mr. Arijit Ghosh,
Ms. Swarnali Ghosh (Sengupta) ... For the Petitioner.

Mr. A. S. Chakraborty, Id. APP,
Mr. Nilay Chakraborty ... For the State.

Learned advocate for the petitioner submits that at the relevant time when the order for maintenance was passed, the petitioner was in service. Subsequently the petitioner has retired from service and as such, the quantum of maintenance should be reduced.

I have considered the submissions advanced by the learned advocate for the petitioner and also the submission that such factum of retirement of the petitioner was not brought to the knowledge of the learned Magistrate.

In view of the submissions made, I am of the opinion that change of circumstances cannot at the first instance to be agitated before a revisional court in an application under Section 125 of the Code of Criminal Procedure where quantum has already been decided by the jurisdictional court

as the statutory provisions contained necessary measures to be taken in case of change of circumstances.

The petitioner, if so advised, will take out an appropriate application invoking the necessary provisions which would be considered by the learned Magistrate in accordance with law.

With the aforesaid observations, the revisional application being CRR 64 of 2021 is disposed of.

Pending application, if any, is 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.)