

16-08-2022
Subha
Item no.67
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 125 of 2010

Kamal Dey
-versus-
State of West Bengal & Anr.

Mr. Amal Krishna Samanta
...for the petitioner.

In Re : An application under Sections 401 read with Section 482 of the Criminal Procedure.

The revisional application was preferred challenging the judgement and order dated 18.08.2009 passed by the learned Judicial Magistrate, 3rd Court, Contai, Purba Medinipore in connection with Misc. Case No. 141 of 2004(T. R. No. 12 of 2005) under Section 125 of the Code of Criminal Procedure.

The record reflects that the learned Magistrate on conclusion of the evidence was pleased to award maintenance of Rs.700/- per month to the wife and Rs.500/- per month to the minor daughter aggregating to a sum of Rs.1200/- per month. However, at the time of admission of the revisional application, I find that there was direction to pay a sum of Rs.1500/- per month and on such condition the arrear maintenance was stayed.

Having regard to the fact that the subject matter of the revisional application relates to the year 2009 and almost 13 years have passed since then, I am of the opinion that there has been a change in the cost index in respect of regular expenses. There was no persuasion in respect of the revisional application as the record reflects that the revisional application appeared on 14th January, 2010 and thereafter the matter was never listed.

Mr. Samanta, learned advocate for the petitioner submits that presently he

is not aware regarding the stage of the case before the learned trial court and he has failed to establish any communication with the present petitioner in spite of his best efforts.

Having regard to the fact that by lapse of time, the purpose for which the revisional application was preferred before this court has become infructuous. Accordingly, the revisional application being CRR 125 of 2010 is dismissed as infructuous.

The learned Magistrate as such would be empowered to recover the arrears if the same has accumulated and if in the meantime there is no change of circumstances.

Department is directed to communicate this order to the learned Magistrate, 3rd Court, Contai, Purba Medinipore.

The interim order, if any, is hereby vacated.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]