

April 27, 2022
Sl. No. 27 & 28
Court No.34
s.biswas

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 278 of 2015

In re. An application under Section 401 read with
Section 482 of the Cr.P.C.

In the matter of: Arup Banerjee

... petitioner

with

CRR 279 of 2015

In re. An application under Section 401 read with
Section 482 of the Cr.P.C.

In the matter of: Arup Banerjee

... petitioner

In re.: CRR 278 of 2015

The present revisional was preferred challenging the judgment and the order dated 30th October, 2014 passed by the learned Additional Sessions Judge, 3rd Court, Asansol, in Criminal Appeal No.6 of 2013 wherein the learned Appellate Court was pleased to direct that the petitioner was entitled to a sum of ₹10,000/- per month as maintenance and directed the respondent (the petitioner herein) to pay a sum of ₹10,000/- every month from the date of the order passed by the learned Magistrate as maintenance of the appellant over and above the maintenance granted to the child. The learned Appellate Court on an appreciation of the evidence adduced in course of the trial concluded that the wife (petitioner) did not have sufficient income to maintain herself and as the

husband was earning a salary of around ₹67,291/-, he was entitled to pay a sum commensurate with his status.

Having regard to the reasons assigned by the learned Appellate Court, I am of the opinion that the reasons are based on foundation of the evidence which surfaced in course of the trial and the award which has been passed do support the factual circumstances.

Hence, no interference is called for. Accordingly, CRR 278 of 2015 is dismissed, pending application if any is consequently disposed of, interim order if any is hereby vacated.

In re.: CRR 279 of 2015

The subject-matter of the revisional application relate to the judgment and order dated 30th October, 2014 passed by the learned Additional Sessions Judge, 3rd Court, Asansol in Criminal Revision No.7 of 2013, the learned Sessions Court was pleased to affirm the order dated 22.08.2013 passed by the learned Judicial Magistrate, 2nd Court, Asansol in Misc. Case No. 214 of 2008.

I find that the present petitioner approached the learned Sessions Court on the grounds that the order passed by the learned Magistrate was perverse. The learned Sessions Court had on an appreciation of the materials placed before him, assessed the earnings of the petitioner and thereafter arrived at his conclusion.

I do not find any question of law to entertain the present revisional application on the self-same points.

Accordingly, CRR 279 of 2015 is dismissed, pending application if any is consequently disposed of, 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.)