

13-05-2022
Item no.34
Subrata

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR No.572 of 2018
Shahnawaz Alam
-vs-
Sultana Khatoon & Anr.

Mr. Soumya Nag
Mr. Abhinav Rakshit

...for the petitioner

The subject-matter of challenge in this revisional application relates to a judgement dated November 30, 2017 passed by the learned Additional District & Sessions Judge, 17th Court at Alipore in Criminal Appeal No.158 of 2017, arising out of an order dated May 24, 2017 passed by learned Judicial Magistrate, 2nd Court at Alipore in connection with C. Case No.6222/15.

The order of the appellate court dated November 30, 2017 reflects that an interim order of Rs.10,000 was awarded to the wife, Rs.10,000 to the minor son and Rs.2,500 for each of the two adult sons as interim monetary relief for meeting the expenses incurred and loss suffered. Additionally, it directed that the petitioner should bear the entire institutional educational expenses to the two major sons which included education at AJC Bose College and the Institute of Chartered Accountant for India.

Mr Nag appearing for the petitioner submits that the adult sons referred to in the order of the appellate court are in the employment and as such are not entitled to any maintenance presently, and that the minor son, referred to, has also attained majority during pendency of the revisional application.

Having regard to the order passed by the learned revisional court, I am of the opinion that there has been change of circumstances since the order was passed, and as such the inherent issue regarding the applicability of the provisions of the revision

are not gone into at this stage.

In view of the fresh issues being brought by the learned advocate for the petitioner, I direct that the petitioner would be entitled to take out an application for alteration/modification of the order of maintenance by enclosing appropriate documents adducing oral evidence, if required, for rebuttal of the claim of the three adult sons.

Learned trial court, in turn, would consider the contentions in its perspective, including the right of entitlement under the said Act and decide the same in accordance with law.

In case, the petitioner prefers an application within a period of 30 days from date, learned Magistrate would dispose of the application within a period of three months from the date of filing of the application.

With the above observations and directions, CRR No.572 of 2018 stands disposed of.

Pending applications, if any, are consequently disposed of.

Interim order, if any, stands vacated.

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

[Tirthankar Ghosh, J]

