

17.03.2022

Item No.23
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 686 of 2019

**Subhadra Ghosal
versus
Bishnupada Ghosal & Anr.**

In Re: An Application under Sections 401 and 482 of the Code of Criminal Procedure, 1973.

Mr. M. S. Mollah,
Mr. Biswajit Bhattacharya ... For the Petitioner.

Mr. Prabir Kumar Mitra,
Mr. Pinak Kumar Mitra ... For the Opposite Party No.1.

The subject matter of challenge in this revisional application relates to an order dated 30.01.2019 passed by learned Additional District & Sessions Judge, Fast Track, 2nd Court, Tamluk, Purba Medinipur in Criminal Revision No. 113 of 2017 wherein the learned sessions court while exercising its revisional jurisdiction was pleased to set aside the order dated 19.07.2017 passed by learned Chief Judicial Magistrate, Tamluk, Purba Medinipur under Section 127 of the Code of Criminal Procedure in Misc. Case No. 303 of 2011.

Records reflect that the learned Chief Judicial Magistrate, Tamluk, Purba Medinipur by the said order was pleased to enhance the amount of maintenance to the present petitioner/wife from Rs.4000/- per month to Rs.5000/- per month. The said order was passed in the year 2017. Subsequently the learned sessions court set aside such order of enhancement of maintenance in the year 2019.

Records also reflect that the order awarding maintenance was originally passed in the year 1999/2004 and subsequently enhancement application was preferred before the learned Magistrate and lastly in the year 2010, the order of enhancement of maintenance of Rs.4000/- per month was awarded by the learned Magistrate.

In view of the fact that in the meantime, 12 years have passed since the order of enhancement of maintenance of Rs. Rs.4000/- per month was passed by the learned Magistrate and having regard to the present cost of living, I am of the opinion that the sum of Rs.5000/- per month so awarded should not have been interfered by the learned sessions court. Accordingly, the order dated 30.01.2019 passed by the learned Additional District & Sessions Judge, Fast Track, 2nd Court, Tamluk, Purba Medinipur in Criminal Revision No. 113 of 2017 is set aside. However, the enhanced amount of Rs.5000/- per month should be paid by the husband/opposite party no.1 to the wife/petitioner on and from the month of April 2022.

With the aforesaid observations, the revisional application being CRR 686 of 2019 is partly allowed.

Interim order, if any, is hereby vacated.

All pending connected applications, if any, are consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)