

07.07. 2022
item No.21
n.b.
ct. no. 34

CRR 1421 of 2009

**Parimalmoyee Das
Vs.
The State of West Bengal & Anr.**

Mr. Jayanta Narayan Chatterjee,
Mr. Nazir Ahmed,
Ms. Jayashree Patra,
Ms. Chandrima Roy Karmakar,
Ms. Ritushree Banerjee,
Ms. Dipanwita Das
.... For the petitioner.

The revisional application was preferred against the judgment and order dated 18.9.2008 passed by the Sessions Judge, Barasat, North 24 Parganas in Criminal Motion No.200 of 2007.

The genesis of the case relates to M Case No.205 of 2004(T.R.No.78 of 2005) which was pending before the Leaned Judicial Magistrate, 2nd Court,(1st Class), Barasat, North 24 Parganas under Section 125 of the Code of Criminal Procedure.

Record reflects that the Learned Judicial Magistrate was pleased to dismiss the prayer of the petitioner. However, in revision the learned Sessions Court was pleased to allow the application of the present petitioner and awarded a sum of Rs.800/- per month. The present grievance of the petitioner before this Court is regarding the quantum awarded by the Learned Sessions Court.

Mr. Jayanta Narayan Chatterjee, learned advocate appears on behalf of the petitioner and challenges the quantum as

awarded by the Learned Sessions Court as also the manner in which the Learned Judicial Magistrate, 2nd Court arrived at his conclusion.

The revisional application was filed in the year 2009 more than 13 years have been passed since then. There has been change in the cost index and also the expenditure required for the essentials.

In view of the aforesaid, without keeping the revisional application pending before this Court, I direct that the petitioner would be at liberty to approach the Learned Judicial Magistrate, 2nd Court, Barasat under Section 127 of the Code of Criminal procedure. Learned Court after issuing usual notices would decide the same keeping in mind the present cost of living of an individual.

With aforesaid observations, CRR 1421 of 2009 is disposed of.

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.

(Tirthankar Ghosh, J.)