

08.04.2022

Item No.36
Ct.No.34
dc.

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

C.R.R. 1580 of 2018

**Tapas Kumar Jana
versus
Alokananda Jana**

In Re: An Application under Sections 399 and 401 of the Code of Criminal Procedure.

Mr. Abhijit Kumar Adhya ... For the Petitioner.

Mr. Sujan Chatterjee,
Mr. Pran Gopal Das ... For the Opposite Party.

Mr. Adhya, learned advocate appearing for the petitioner has challenged the judgement and order passed by learned Additional District Judge, Fast Track Court-II, Howrah in Criminal Appeal No. 34/17 and Criminal Appeal No. 42/17 wherein by a single judgement and order, the learned appellate court was pleased to dismiss the appeal filed by the husband and allowed the appeal so filed by the wife/opposite party herein.

The learned appellate court was pleased to direct a monthly maintenance allowance of Rs.10,000/- which was also passed by the learned Judicial Magistrate, 5th Court, Howrah. Additionally, the learned appellate court restrained the husband/petitioner herein from disturbing the possession of the wife in the address being 33/1/2, Nabanaritala 1st Bye Lane.

Learned advocate for the husband/petitioner submits that at the relevant point of time, petitioner was receiving a meagre sum after his retirement. However, the same has been enhanced presently.

Mr. Chatterjee, learned advocate appearing for the opposite party supports the judgement of the learned appellate court.

I have perused the reasoning assigned by the learned appellate court and I find that as there has been change of circumstances, neither of the reliefs granted by the learned appellate court is to cause any hardship to the present petitioner. As such, the order of the learned appellate court is not interfered with.

However, both the parties would be at liberty to address their grievances if there are further change of circumstances with proper documents being placed before the learned trial court.

With the aforesaid observations, the revisional application being CRR 1580 of 2018 is disposed of.

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.)