

05.07.2022
Item No. 31
Ct. No.40
Ali.

CRR 2658 of 2011
Abhijit Banerjee
vs.
Smt. Lakshmi Banerjee & Anr.

Mr. Pratick Bose,
Mr. Surajit Sahu

... for the State

None appears on behalf of the petitioner.

The instant application is filed under Section 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure. In terms of the impugned Order dated May 12, 2011 passed by Learned Judicial Magistrate, 3rd Court at Bankura the Court allowed the petition filed under Section 125 of the Code of Criminal procedure in Misc. Case No. 50 of 2005 directing the petitioner/husband to pay a sum of Rs.2,000/-per month as maintenance to his wife, namely, opposite party no. 1 along with a cost of litigation of Rs. 2,000/-. The Revisional Court namely, the Additional Sessions Judge, 1st Court at Bankura dismissed the revisional application thereby confirming the Order passed by the Judicial Magistrate in terms of judgement dated May 12, 2011.

When there are concurrent findings of both the Courts below, the High Court will loathe to interfere into in exercise of jurisdiction either under Article 227 of the Constitution of India or under Section 482 of Criminal Procedure Code, except in compelling circumstances.

Neither of the Court's below committed any glaring error of law or jurisdictional error, nor is there any apparent perversity in coming to the conclusions. Therefore, it is not a case demanding interference of this Court in exercise of jurisdiction.

Accordingly, the instant application stands dismissed on merit.

(Sugato Majumdar, J.)