

05.01.2023
Item Nos.03.
Suman
Ct.42

CRR 2185 of 2021
With
CRAN 1 of 2022

Smt. Joyita Bandhyopadhyay nee Ganguly
Vs.
The State of West Bengal and Anr.

Mr. Abhijit Roy
Mr. Indrajit Sen
Mr. Subhas Medda
..for the petitioner

Mr. Biswajit Manna
...for the respondent

This is an application for modification of the order dated 6th September, 2022 passed by this Court in CRR 2185 of 2021.

Suffice it to say that the aforesaid revisional application was dismissed on the ground that the same is barred by limitation. However, the petitioner was given liberty to file appropriate application under Section 127 of the Code of Criminal Procedure praying for enhancement of maintenance allowance. It is needless to say that no limitation is prescribed for filing an application under Section 127 of the Code of Criminal Procedure. Whenever a petitioner thinks that maintenance allowance granted by the Court is not

sufficient for her maintenance, she is entitled to file such application under Section 127 of the Code of Criminal Procedure.

It is a misnomer to submit that the order passed in the instant revision may act as an obstacle in filing the appropriate application under Section 127 of the Code of Criminal Procedure by the petitioner at an appropriate stage.

With the clarification the instant application is disposed of.

(Bibek Chaudhuri, J.)