

12.07. 2022
item No.69
n.b.
ct. no. 34

CRR 3412 of 2009

**Dwaraka Nath Chowdhury
Vs.
Madhumita Chowdhury & Anr.**

Mr. Saibal Mondal,
.... For the petitioner

The revisional application was preferred challenging the order dated 19.6.2009 passed by the Learned Additional Sessions Judge, 3rd Court, Howrah in connection with Criminal Revision No.156 of 2007. The said revisional application was filed challenging the judgment of the Learned Judicial Magistrate, 1st Court, Howrah in M.C. No. 400 of 2003 under Section 125 of the Code of Criminal Procedure.

The judgment of the Learned Judicial Magistrate dated 31.3.2007 reflects that after appreciating the evidence the Learned Magistrate arrived at a conclusion thereby awarding maintenance of Rs. 1200/- per month to the wife and Rs.800/- per month to the minor daughter aggregating to a sum of Rs. 2000/- per month. Being aggrieved the petitioner approached the Learned Sessions Court invoking its revisional application and by the impugned judgment and order the Learned Additional Sessions Judge, 3rd Court, Howrah in Criminal Revision No.156 of 2007 was pleased to dismiss the revisional application thereby affirming the order of the Judicial Magistrate, 1st Court, Howrah.

On an assessment of the materials and the reasons so assigned by the Learned Revisional Court/Sessions Court while exercising its jurisdiction, I do not find any reason to interfere with the impugned orders.

However, if there are change of circumstances, the petitioner would be at liberty to exercise his right under the relevant provisions of law for bringing it to the notice of the Learned Judicial Magistrate. The Learned Magistrate on an appreciation of the same and after issuing notice to both the parties would arrive at his independent conclusion as to whether any alteration of the maintenance amount is required.

With the aforesaid observations, CRR 3412 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.)