

10-08-2022
Subha
Item no.53

Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 3464 of 2009

Debabrata Ghoshal
-versus-
Sonali Ghoshal

Mr. Tapas Kumar Ghosh
Mr. Tanmoy Chowdhury
.....for the petitioner.

Re : An application under Section 482 of the Code of Criminal Procedure.

The revisional application has been preferred challenging the order dated 30.03.2009 passed by the learned Additional Sessions Judge, 3rd Court, Hooghly in Criminal Motion No. 46 of 2008 wherein the learned Sessions Judge was pleased to interfere with the order passed by the learned Judicial Magistrate, 2nd Court, Srirampore in M. C. Case No. 34 of 2000.

The grievance of the petitioner is that the learned Sessions Court directed the present petitioner being the husband to pay a sum of Rs.1600/- per month with effect from the date of filing of the application i.e., 2nd January, 2008. The amount of Rs.1600/- was passed having regard to the cost index of the year 2008, more than 14 years have passed and there has been a gross change in the cost index.

So far as the quantum is concerned, I am of the opinion that there is no scope for interfering after 14 years regarding the date of payment, the learned Sessions Court has held that the same is to be paid from the date of the filing of the application which is also a leniency shown to the present petitioner.

I have perused the certified copy relating to the execution cases and I do not

find any scope for interfering in respect of the order of maintenance so passed.

Having regard to the contents advanced in the revisional application, I grant liberty to the petitioner to take out an appropriate application if so advised in respect of the change of circumstances before the learned Judicial Magistrate in seisin of the matter. If such an application is filed, the learned Judicial Magistrate will consider the same in accordance with law.

With the aforesaid observations, the revisional application being CRR 3464 of 2009 is dismissed.

Pending applications, if any, are consequently disposed of.

Interim order, if any, is hereby vacated.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]