

CRR 3173 of 2008

In re : An application under Sections 401 and 482 of the Code of Criminal Procedure, 1973.

In the matter of : **Indrajit @ Kartik Jana**

..... petitioner

Mr. Amal Krishna Samanta

.... For the petitioner

Mr. Bidyut Kumar Roy

Ms. Rita Datta

.... For the State

Challenge in this revisional application is the order passed by the learned Judicial Magistrate, 3rd Court, Contai in a proceeding under Section 125 of the Code of Criminal Procedure granting a sum of Rs.800/- towards maintenance to the petitioner's wife Smt. Durga Rani Jana.

From the attending facts of the case it is admitted that Smt. Durga Rani Jana is the legally married wife of the petitioner before this Court being Sri Indrajit @ Kartik Jana. There is no evidence to show that Smt. Durga Rani Jana, the opposite party no. 2 has means sufficient to maintain herself. The petitioner being the husband since has incurred the obligation to maintain his wife was directed to pay the said sum of Rs.800/- per month, which, in my opinion, in the year 2008, was neither penurious nor luxurious.

The impugned order warrants no interference. Consequently, the revisional application is dismissed, however, without costs.

Let a copy of the order be forwarded to the learned trial Court for information of this order.

(Siddhartha Roy Chowdhury, J.)