

**02.03.2022**

Item No.106  
Ct.No.34  
dc.

**IN THE HIGH COURT AT CALCUTTA  
CRIMINAL REVISIONAL JURISDICTION**

**C.R.R. 3323 of 2018**  
**(Via Video Conference)**

**Champa Ghosh**  
**versus**  
**Prabir Ghosh**

**In Re:** An Application under Section 401 read with Section 482 of the Code of Criminal Procedure.

Mr. Nirmalendu Bera,  
Mr. Dinesh Chandra Mondal      ... For the Petitioner.

In spite of service, none appears on behalf of the opposite party. Let affidavit-of-service filed on behalf of the petitioner be kept on record.

Learned advocate appearing for the petitioner draws the attention of this Court to the order dated 13.10.2015 passed by the learned Judicial Magistrate, 1<sup>st</sup> Court, Diamond Harbour wherein the learned court was pleased to enhance the consolidated amount of maintenance from a sum of Rs.1000/- per month to Rs.5000/- per month to be effected from 01.11.2015.

Subsequently an application under Section 127 of the Code of Criminal Procedure was filed before the same court which was registered as Misc. Case No. 18 of 2014 and the learned court surprisingly reduced the said sum from Rs.5000/- per month to Rs.3000/- per month.

Having regard to the sum of money which was awarded as maintenance for two individuals, I am of the opinion that the same is too less for two persons to survive. Further the

reasons so assigned for reduction of the amount are not acceptable considering the cost index. Accordingly, the order dated 07.06.2018 passed by the learned Magistrate so far as reduction of the quantum of maintenance from Rs.5000/- per month to Rs.3000/- per month is concerned, the same is set aside.

The husband/opposite party is directed to pay a consolidated sum of Rs.5000/- per month as was earlier directed by the learned Magistrate by his order dated 13.10.2015.

It has been informed by the learned advocate appearing for the wife/petitioner that in the meantime, the daughter who was awarded maintenance by the learned Magistrate has already been married. Consequently, the wife being the present petitioner before this Court would be entitled to be paid a sum of Rs.3000/- per month as maintenance which would have retrospective effect on and from 01.11.2015 which was the date fixed by the learned Magistrate in his initial order.

With the aforesaid observations, the revisional application being CRR 3323 of 2018 is partly allowed.

Interim order, if any, is hereby vacated.

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.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

**(Tirthankar Ghosh, J.)**