

D/L9
08.09.2022
Bpg.

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION

C.R.R 12 of 2020

In Re: An application under Sections 397/401 and read with Section 482 of the Code of Criminal Procedure, 1973;

Smt. Jamuna Biswas
Versus
Sri Gopal Biswas

Mr. Arijit Ghosh,
Ms. Swarnali Ghosh (Sengupta).
...for the petitioner.

Mr. Kalipada Das.
...for the opposite party.

The revisional application was preferred challenging the order dated 2nd November, 2019 passed by the learned Judicial Magistrate, 2nd Court, Alipurduar in Misc. Case No.06 of 2019 under Section 127 of the Code of Criminal Procedure, 1973. By the said order, the learned Magistrate was pleased to hold that there are no grounds for enhancing the maintenance amount from a sum of Rs.6,000/- per month (Rs.3,500/- per month to the wife and Rs.2,500/- per month to the minor son).

This Court by its order dated 23.11.2021 was of the opinion that the present petitioner and the minor son should get Rs.3,500/- per month each.

I have heard the learned advocates for the petitioner as well as for the opposite party.

Having regard to the change of circumstances and in view of the fact that the order under Section 127 of the Code of Criminal Procedure was passed in the year 2013, almost 9 years have passed since then and there has been complete change in the structure of expenses, the opposite party/husband is directed to pay a sum of Rs.3,500/- per month to the wife and Rs.3,500/- per month to the minor son as was directed in the order dated 23.11.2021. The order as such is made absolute.

Accordingly, CRR 12 of 2020 is allowed.

However, if there are change of circumstances, the husband/opposite party would be empowered to invoke the provisions of Section 127 of the Code of Criminal Procedure by adducing evidence before the Magistrate at the appropriate stage of the proceedings.

Pending application, if any, is 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.)

