

27.04.2023
Serial no.24
Aloke
Ct. No. 30

**In the High Court at Calcutta
Criminal Revisional Jurisdiction**

CRR 716 of 2020

**Ranjit Kumar Majhi
Vs.
Minor Gobinda Chandra Majhi & Ors.**

Mr. Deb Narayan Ray
... for the petitioner

Affidavit-of-service is filed with the returned envelopes bearing the endorsement “not known”.

The revisional application is moved by the learned counsel for the petitioner on the ground that the learned Magistrate had passed an order granting maintenance to the wife and two children from the **“date of order”**.

The grievance of the petitioner/husband herein is that on revision before the learned Additional Sessions Judge, Kawta, the learned Additional Sessions Judge modified the order of the learned Magistrate to the extent that the maintenance would be paid from the **“date of filing”** of the original Misc. Case No. 46 of 2011.

It is submitted that the said order has caused severe inconvenience to the petitioner who has the financial liabilities of his mother, brother and brother’s children etc.

From the materials on record, it is seen that the petitioner is employed with the Eastern Railway as Board Attendant – II and his basic pay as on February, 2017 is Rs.32,300/- and gross pay is Rs.43,067/-.

Considering all these facts and also in view of the guidelines of the Hon'ble Supreme Court in ***Rajnesh vs. Neha (in Criminal Appeal No. 730 of 2020 dated 4th November, 2020***) reported in ***(2021) 2 SCC 324***, this Court is of the view that the order under revision of the learned Additional Sessions Judge is in accordance with law and requires no interference by this Court.

Accordingly, CRR 716 of 2020 is dismissed.

The order and judgment dated 26.11.2019 passed by the learned Additional Sessions Judge, Katwa, in Criminal Revision No. 131 of 2019 is hereby affirmed.

All connected application, if any, stands disposed of.

Interim order, if any, stands vacated.

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

(Shampa Dutt (Paul), J.)