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C.R.R.735 of 2021

In Re: An application under Section 401 read with Section 482 of the
Code of Criminal Procedure;

Robiul Hoque
Versus
Ruksana Khatun (Bibi) and another

Mr. Tapan Datta Gupta,
Mr. Parvej Anam.
...for the petitioner.

Mr. Datta Gupta, learned advocate, appears on behalf of the petitioner and submits that the petitioner being aggrieved by the order of maintenance passed by the learned Judicial Magistrate, 3rd Court, Malda in Case No.270M of 2017 under Section 125 of the Code of Criminal Procedure, approached the learned Additional Sessions Judge, 4th Court, Malda in Criminal Revision No.22 of 2019. The learned revisional court also dismissed the contention advanced by the petitioner by its judgment dated 17.12.2020.

I find that the learned Judicial Magistrate after considering the factual circumstances was pleased to award a sum of Rs.10,000/- per month for the wife to be paid by the present petitioner. By the same judgment, the learned Magistrate was pleased to fix the instalments by which the arrears were to be cleared. Learned sessions court while exercising its revisional jurisdiction arrived at the findings, thereby affirming the order passed by the learned Magistrate.

Mr. Datta Gupta, learned advocate appearing for the

petitioner submits that the quantum of maintenance so awarded and imposed is creating hardship to the present petitioner.

The petitioner would be at liberty to take out an application invoking the relevant provisions of law before the learned Magistrate pointing out the materials which he could not adduce at the relevant point of time and circumstances resulting any hardship. Once such an application is preferred and the evidence is adduced after affording liberty to the other party, learned Magistrate would be at liberty to spell out his verdict on such application being made without being influenced by any of the order passed by this Court.

With the aforesaid observations, CRR 735 of 2021 is disposed of.

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.

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

(Tirthankar Ghosh, J.)