

13-02-2023
Subha
Item no.29
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 1002 of 2021

Smt. Mallika Dey
-versus-
Sri Ashis Sarkar & Anr.

Re : An application under Section 482 of the Code of Criminal Procedure.

Mr. Md. Shahjahan Hossain
Ms. Sanjida Sultana

.....for the petitioner.

The petitioner is aggrieved by the orders passed by the learned Judicial Magistrate, 5th Court, Barrackpore in M. Case No. 773 of 2013 and the learned Additional Sessions Judge, FTC, 3rd Court, Barrackpore in Criminal Revision No. 69 of 2019.

Learned Magistrate passed the judgement and by an order dated 21st January, 2019 was pleased to award maintenance of Rs.1000/- per month to the petitioner. The said award of maintenance was affirmed by the learned Additional Sessions Judge.

Having considered the quantum of Rs.1000/-, which was awarded by the learned Magistrate which is a flee-bite amount, I am of the opinion that the same calls for interference.

The learned Magistrate would freshly consider the amount of maintenance to be awarded in the background of the present cost of index and a minimum amount required for an individual to survive.

Notice be issued to the opposite party to appear within a fortnight from the date of communication of this order.

All endeavour must be taken by the learned Magistrate to dispose of the award to be reconsidered pursuant to the orders passed by this court by 31st March, 2023.

With the aforesaid observations, the revisional application being CRR 1002 of 2021 is partly allowed.

Pending applications, if any, are consequently disposed of.

Department is directed to communicate this order to the learned Judicial Magistrate, 5th Court, Barrackpore preferably within a period of seven days from date.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]