

23.03.2023
Ct. No.34
S/L No.17
KS

C.R.R. 1191 of 2021
Sri Debasish Maity
-Vs.-
State of West Bengal & Anr.

Mr. S. Shyamal
Mr. D. K. Shyamal
Mr. K. Banerjee

.....For the Petitioner

Mr. Prantick Ghosh
Mr. Siddhartha Sarkar
Mr. P. Bhattacharya

.....For the O.P.

The present revisional application was preferred challenging the judgement and order dated 26.03.2021 passed by the learned Judicial Magistrate, First Class, 4th Court, Barrackpore in Misc. Case No.03 of 2017 wherein the learned Court allowed the application under Section 127 of the Code of Criminal Procedure filed by the opposite party no.2.

Records reflect that the learned Magistrate on consideration of the materials which were produced enhanced the amount of maintenance which was earlier granted in the year 2015 from an aggregated sum of Rs.7,500/- per month to an aggregated amount of Rs.9,000/- per month.

Learned advocate appearing for the petitioner submits that he has retired from service and his pensionary benefits as such the quantum of maintenance which has been awarded would cause

immense hardship to him. To that effect, learned advocate refers to the bank statements. Learned advocate also submits that the learned Magistrate while passing the judgment and order did not assign any plausible reason or turn down the issues which were canvassed on behalf of the petitioner.

On the other hand, learned advocate appearing for the private opposite party submits that learned Magistrate took into account not only oral evidence, but also seven documents which were marked as 'Exhibits' on behalf of the either sides to arrive at a conclusion.

I have considered the submissions advanced on behalf of the petitioner as well as the opposite parties. The quantum which has been enhanced is Rs.1,500/- in respect of two persons which has an increment of Rs.50/- per day for two persons.

Having considered the quantum which has been enhanced from Rs.7,500/- in the year 2015 to Rs.9,000/- in the year 2021, I am not inclined to interfere with the quantum so awarded by the learned Magistrate.

However, if there are any change of circumstance in future, the petitioner would be at liberty to take out an application for modification of the said amount before the learned Judicial Magistrate.

With the aforesaid observation, C.R.R. 1191 of 2021 is disposed of.

Pending applications, if any, are consequently disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)