

03-04-2023
Subha
Item no. 35
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

C.R.R 1388 of 2021

Indrajit Palta
-versus-
Namita Palta

Re : An application under Section 482 of the Code of Criminal Procedure read with Sections 397/401 of the Code of Criminal Procedure.

The present revisional application has been preferred challenging the order dated 2nd March, 2020 passed by the learned Additional Chief Judicial Magistrate, Ranaghat, Nadia in connection with Misc. Case No. 233 of 2018 under Section 127 of the Code of Criminal Procedure wherein the learned Magistrate on perusal of the materials produced before him was pleased to enhance the maintenance amount to a sum of Rs.9000/- per month to be paid by the husband(present petitioner).

Record of this revisional application reflects that an application under Section 125 of the Code of Criminal Procedure was filed in the year 2010 and in the said application maintenance was awarded to the tune of Rs.4000/- per month.

Subsequently, an application under Section 127 of the Code of Criminal Procedure was filed in the year 2014 and the said amount was enhanced from Rs.4000/- per month to Rs.5000/- per month. Thereafter the present application under Section 125 of the Code of Criminal Procedure was filed before the learned Additional Chief Judicial Magistrate, Ranaghat, Nadia. The learned Magistrate

assessed the contentions advanced by both the parties and by relying on a particular part of the cross-examination wherein the husband acknowledged that he was working as a Junior Engineer in the Indian Railways with a basic pay of Rs.36,500/- per month was of the view that the husband was getting a monthly sum of Rs.51,465/- per month.

Be that as it may, the learned court after considering the salary earned by the husband/petitioner enhanced the maintenance so awarded from Rs.5000/- per month to Rs.9000/- per month by its order dated 2nd March, 2020. The very foundation of such order was because of the change in structure of the cost involved for sustaining the applicant's life.

Having considered the reasons so assigned by the learned Additional Chief Judicial Magistrate, Ranaghat, Nadia in connection with Misc. Case No. 233 of 2018, I am of the opinion that no interference is called for. Accordingly, the revisional application being CRR 1388 of 2021 is dismissed.

Pending applications, if any, are consequently disposed of.

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]

