

12-04-2023
Subha
Item no. 31
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

C.R.R 1579 of 2021

Aparna Das
-versus-
Subrata Das

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

Mr. Shibaji Kumar Das

...for the petitioner.

Affidavit of service so filed be kept with the record.

The grievance of the petitioner relates to the order dated 19th April, 2021 passed by the learned Additional Chief Judicial Magistrate, Contai in connection with Misc.(P) Case No. 8 of 2019. By the said application, the petitioner prayed for enhancement of the amount of maintenance.

Mr. Das, learned advocate appearing on behalf of the petitioner submits that such an enhancement was prayed for after almost 10 years and the learned Magistrate only granted a quantum of Rs.15,000/- which is not commensurate with the earnings of the opposite party/husband.

I have considered the order dated 19th April, 2021 and the contentions of the petitioner in the application under Section 127 of the Code of Criminal Procedure.

Having regard to the present cost index, I direct the learned Magistrate to reconsider the application under Section 127 of the Code of Criminal Procedure, particularly the findings relating to quantum in the background of the earnings of the opposite party as well as the

present cost of living. The petitioner would be at liberty to draw the attention of the learned Additional Chief Judicial Magistrate, Contai, the learned Additional Chief Judicial Magistrate, Contai will issue notice upon the opposite party and thereafter within a period of three months from the date of the communication of the order dispose of the application.

With the aforesaid observations, the revisional application being CRR 1579 of 2021 is disposed of.

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]