

13.04.2023

Item No.20
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 1596 of 2021

**Niranjana Biswas
versus
The State of West Bengal & another**

In Re: An Application under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973.

Ms. Nasreen Islam

... For the Petitioner.

The subject-matter of this revisional application relates to grievance of the petitioner for enhancement of quantum of maintenance passed on 12.03.2018 by learned Additional Chief Judicial Magistrate, Ranaghat, Nadia in Misc. Case No. 232 of 2017 under Section 125 of the Code of Criminal Procedure.

From the operative part of the order, it reflects that the petitioner is the father of the opposite party no.2 and he was awarded maintenance of Rs.2000/- for himself and Rs.2000/- for his wife (mother of the opposite party no.2) aggregating to Rs.4000/- per month. The contention as also the reflection in the judgment of the learned Magistrate reflects that the opposite party no.2 i.e. the son is employed with the West Bengal Police.

Having regard to the fact that the son is employed with the Government, the quantum of award of maintenance is not commensurate for the purpose of maintaining the old ailing parents. The order under challenge was passed in the year 2018. More than five years have passed since the order/judgment was delivered by the learned Additional Chief

Judicial Magistrate, Ranaghat, Nadia. In the circumstances, I grant liberty to the petitioner to take out an application under Section 127 of the Code of Criminal Procedure wherein the learned Magistrate would consider the earnings of the son as well as the change in the cost of living and thereafter arrive at a fresh finding which would be commensurate with the sustenance of the parents/petitioner.

If such an application under Section 127 of the Code of Criminal Procedure is taken out at the instance of the petitioner, learned Magistrate will take all efforts to dispose of the same in accordance with law, keeping in mind the observations made above, preferably within a period of three months.

With the aforesaid observations, the revisional application being CRR 1596 of 2021 is disposed of.

Pending connected applications, if any, are 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 with all requisite formalities.

(Tirthankar Ghosh, J.)