

01.08.2023

Item No.33
Ct.No.34
dc.

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

C.R.R. 1968 of 2023

In the matter of : **Sri Amit Ghosh**

... Petitioner.

Mr. Samiran Giri,
Mr. Manomohan Basu ... For the Petitioner.

The subject-matter of challenge relates to the order dated 12.12.2022 passed by the learned Judicial Magistrate, 5th Court, Barrackpore in M. Case No. 380 of 2016.

The learned advocate appearing for the petitioner points out that the learned Magistrate did not apply his mind and in spite of not having a daughter or a child of the couple in the point no.2, it was incorporated as maintenance of the minor daughter although the same was subsequently struck out.

The learned Magistrate, however, finally granted award of Rs.2500/- per month to the wife/applicant. Having considered the reasons so assigned and the nature of error pointed out which amounts to clerical error, I am of the opinion that no interference is required at this stage so far as the quantum which has been awarded by the learned Magistrate.

It has been contended that there are other liabilities of the husband which was not taken into account. If such a situation arise, the husband/petitioner would be at liberty to take out an application in the nature of Section 127 of the Code of Criminal Procedure before the learned Judicial

Magistrate, 5th Court, Barrackpore. The learned Magistrate would dispose of the same in accordance with law.

With the aforesaid observations, the revisional application being CRR 1968 of 2023 is disposed of.

Pending connected application, if any, is consequently disposed of.

All concerned 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.)