

June 6, 2023
AD – 64
Ct. 34
SG

CRR 2474 of 2022

Dilip Banerjee
-versus-
Smt. Anusuya Samanta

Mr. A. Chakraborty
Mr. Amlan Biswas

... for the petitioner

Learned advocate for the petitioner is aggrieved by the judgment and order passed by the learned Additional District and Sessions Judge, 2nd Court, Bankura in Criminal Revision No.23 of 2021.

The learned magistrate in an application under Section 127 Cr.P.C. enhanced the maintenance of the wife to Rs.10,000/- and of the minor daughter to Rs.8,000/- and the revisional application was dismissed by the learned Additional District and Sessions Judge, 2nd Court, Bankura.

I have considered the contentions advanced by the petitioner and the findings of the two courts. The magistrate court as well as the revisional court has considered the factual circumstances. The issues so pointed out by the learned advocate for the petitioner has also been considered by both the learned magistrate court and the learned sessions court particularly with regard to the extra liability pleaded in respect of the second marriage, child and other dependants.

Having considered that both the courts have assessed after considering the factual circumstances, I am not inclined to interfere with the order dated 26.04.2022 passed by the learned Additional district and Sessions Judge, 2nd Court, Bankura in CR No. 23 of 2021.

However, I grant liberty to the petitioner, that if new circumstances arise, the petitioner would be at liberty to take out an application under Section 127 Cr.P.C. which learned magistrate would consider in its proper perspective.

With the aforesaid observations, CRR 2474 of 2022 is disposed of.

Pending application, if any, is consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Learned trial courts are directed to act on server copies of the orders so passed which are downloaded from the official website of the High Court, Calcutta.

(Tirthankar Ghosh, J.)

