

10.10.2023
Item No.13
Ct.No.34
dc.

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

C.R.R. 3595 of 2023
with
CRAN 1 of 2023

In the matter of : **Sanjib Raha Roy** ... Petitioner.

Mr. Pronojit Roy ... For the Petitioner.

Re: CRAN 1 of 2023
(an application for Restoration)

Learned advocate appearing for the petitioner prays for condonation of delay of 65 days in preferring this revisional application.

The reasons so assigned in paragraph 8 of the application for condonation of delay are found to be just and sufficient. Accordingly, delay is condoned. The application being CRAN 1 of 2023 is, thus, allowed.

Re: CRR 3595 of 2023

The revisional application is taken up for consideration. The revisional application relates to judgment and order dated 11.04.2023 passed in Misc. Case No. 53 of 2021 (T.R. No. 108 of 2021).

I find that the learned trial court being the learned Judicial Magistrate, 2nd Court, Ranaghat, Nadia was pleased to award maintenance of Rs.2500/- per month. Having regard to the quantum of maintenance, I do not find any opportunity in spite of the fact that the learned advocate insist that the petitioner is working in a laboratory and earns Rs.5,200/- per month. Further the petitioner submits that he has his ailing

parents for whom he has to take care. I have not been impressed by the issues which have been canvassed for reducing the quantum of maintenance. However, if the petitioner is able to make out a case, the petitioner would approach the learned Magistrate under Section 127 of the Code of Criminal Procedure.

Learned Magistrate would in the fitness of the circumstances, consider whether there are further grounds for interference in respect of the prayer advanced by the petitioner.

No interference is made at this belated stage and any application which is filed by the petitioner would not be an impediment for continuing with the award of maintenance so granted by the learned Judicial Magistrate, 2nd Court, Ranaghat.

With the aforesaid observations, the revisional application being CRR 3595 of 2023 is disposed of.

Pending other 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.)