

18.04.2024
Serial no. 10
[G.S.D]

CRR 1457 of 2023

In the matter of : Sukhendu Chatterjee

... .. Petitioner

Mr. Debasis Sur
Mr. Goutam Debnath
Mr. A. Patra

... for the petitioner

Mr. Amajit De
Ms. Shakshi Rathi

... for the respondent

Ld. Advocate for the petitioner has challenged the order dated 31.3.2023 passed by the Id. Addl. Dist. & Sessions Judge, 2nd Court, Serampore, Hooghly in Criminal Motion No. 140 of 2022 reversing the order dated 30.8.2022 passed by the Id. JM, 2nd Court, Serampore, Hooghly in Misc. Case No. 353 of 2019 under section 125 of the cr.p.c.

The records of the case reflect that the Id. Revisional court/Sessions Court directed to the petitioner/husband to pay the enhanced sum of Rs.4500/- per month with effect from 30th of August, 2022. While arriving at such finding, the Id. Sessions Court took into account the circumstances which were earlier prevailing and with the passage of time the changed circumstances.

Having regard to the quantum of money so involved and the present cost index for survival of an individual, I am

of the opinion that on such question of facts, this court should not exercise its discretion under section 482 of the cr.p.c.

Having regard to the plight expressed on behalf of the petitioner, I direct that if there are any change of circumstances, it would be the liberty of the petitioner to exhaust appropriate remedies before the Id. Magistrate.

With the aforesaid observations, CRR 1457 of 2023 is disposed of.

Pending application, if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)