

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

25.09.2024
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C.R.R. No. 3326 of 2024

In Re : An application under Section 401 read with Section 482 of the Code of Criminal Procedure corresponding to Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

In Re : Anandaram Halder @ Ananda Ram Halder
.....petitioner

Mr. Saumen Gayen
..... for the petitioner

1. Learned Counsel for the petitioner submits marriage was dissolved by a decree of divorce on mutual consent. In the decree permanent alimony had been fixed at Rs.400/- per month. Subsequently opposite party no. 2 filed an application for maintenance and the learned Magistrate has illegally awarded a sum of Rs. 3,000/- per month.

2. We have considered the materials on record. Decree of divorce was granted 24 years ago. A meager sum of Rs.400/- per month was fixed as permanent alimony in the divorce decree. Rising price index and continuously evolving factors impacting standards of decent living requires to be reviewed after more than two decades. Taking into consideration these subsequent events learned Magistrate had entertained prayer for maintenance and determined a reasonable sum which cannot be said to be disproportionate to the capacity of the husband.

3. Under such circumstances I am of the view there is no scope to interfere with the order impugned.

4. Accordingly, the revisional application is disposed of.

5. Urgent photostat certified copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Joymalya Bagchi, J.)