

03.01.2025

Item No.11

Ct.No.2

kausik

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 288 of 2024

**Juliet Karmakar (Das)
Vs.
Bappa Karmakar**

Mr. Arijit Ghosh
Ms. Angana Rakshit

... For the Petitioner.

Mr. Sourav Ganguly
Mr. Bibek Tarafder
Mr. Gopal Roy
Ms. Rishita Chakraborty

...For the Opposite Party.

Mr. Nilay Chakraborty, APP
Mr. Tapan Bhattacharjee

...For the State.

The affidavit-in-opposition filed on behalf of the private opposite party be kept with the record.

Learned advocate appearing for the petitioner waives his right to file any affidavit-in-reply.

The revisional application was preferred challenging the order dated 28.06.2024 passed by the learned CJM, Alipurduar in connection with Misc. Case No. 59 of 2021 arising out of MR Case No. 20 of 2016.

The subject matter of the Miscellaneous Case related to an application under section 127 Cr.P.C. wherein the petitioner prayed for enhancement of the quantum of maintenance which was earlier granted.

Learned Magistrate on an assessment of the contentions arrived at its decision, thereby enhancing the quantum of maintenance earlier granted/enhanced from Rs. 6,000/- to Rs. 8,500/- per month from the date of the order (28.06.2024).

Learned advocate appearing for the petitioner submits that the impugned order was passed on an assessment of the salary of the opposite party/husband which was of earlier years and the present salary of the husband as has been instructed to the learned advocate appearing for the petitioner is around Rs. 88,000/-.

Mr. Ganguly learned advocate appearing on behalf of the private opposite party initially contended that the wife is already engaged in service which has been suppressed, the child is with the husband, apart from the fact that the opposite party has his own mother to be maintained.

Learned advocate further contended that the salary of the petitioner has unnecessarily been inflated by way of submission without any documentary evidence and the learned court earlier was carried away by such submissions which has affected the opposite party/husband, so far as pecuniary losses are concerned.

I have considered the submissions of the learned advocate appearing for the petitioner as well as that of the private opposite party/husband. So far as the contention regarding the quantum is concerned if the petitioner is in possession of any document reflecting the present

salary/emoluments of the husband, the petitioner obviously would be within her rights to file a fresh application under section 127 of the Code of Criminal Procedure for alteration of maintenance which the learned Magistrate would consider in accordance with law after affording appropriate opportunity to the opposite party/husband to rebut such contention.

At this stage, I do not find any scope to interfere with the prayer so advanced since the learned Magistrate has very recently passed the order on the basis of a foundation of a salary.

With the aforesaid observations CRR 288 of 2024 is disposed of.

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

(Tirthankar Ghosh, J.)