

Criminal Revision

Present: **The Hon'ble Justice Ashim Kumar Roy**

C.R.R. No. 4339 of 2008
With
CRAN No. 190 of 2010
Judgment On: 07-04-2010.

Aparesh Bhattacharya
versus
Smt. Sumana Bhattacharya (Roy)

POINTS:

MAINTENANCE- Husband's monthly salary Rs.20,000/- Maintenance enhanced to Rs.4,000/- per month, whether excessive- Code of Criminal Procedure, 1973 Ss. 125/127

FACTS:

The petitioner is a Senior Accounts Assistant in the Indian Railways. On an application filed by the opposite party/wife under Section 125 of the Code of Criminal Procedure in the year 2002 claiming maintenance from him, the Learned Court awarded a sum of Rs. 1,500/- per month to her as her monthly maintenance. Thereafter, the wife/opposite party in the year 2006 filed an application under Section 127 of the Code of Criminal Procedure for enhancement of such maintenance. When the Learned Court below enhanced the maintenance allowance from Rs. 1,500/- per month to Rs. 2,000/- per month, challenging the said order the wife moved a criminal revision before the Learned Sessions Court and the Learned Sessions Judge enhanced the maintenance allowance from Rs. 2,000/- to Rs. 4,000/- per month. Aggrieved by such the husband/petitioner has moved this criminal revision.

HELD:

It is an admitted position, when the amount of maintenance was enhanced the husband/petitioner's salary was about Rs. 20,000/- per month. In such view of the matter, the order awarding a sum of Rs. 4,000/- to the wife/opposite party as her monthly maintenance is not at all too excessive. In such view of the matter, the Court is not inclined to interfere with the order impugned. Para-3

For Petitioners : Mrs. Chandrayee Alam
Mr. Kaushik Roy
Mr. Sourav Chakraborty

For O.P. No. 2: Md. Nure Zaman

THE COURT:

1. The present petitioner is a Senior Accounts Assistant in the Indian Railways. On an application filed by the opposite party/wife under Section 125 of the Code of Criminal Procedure in the year 2002 claiming maintenance from him, the Learned Court awarded a sum of Rs. 1,500/- per month to her as her monthly maintenance. Thereafter, the wife/opposite party in the year 2006 filed an application under Section 127 of the Code of Criminal Procedure for enhancement of such maintenance. When the Learned Court below enhanced the maintenance allowance from Rs. 1,500/- per month to Rs. 2,000/- per month, challenging the said order the wife moved a criminal revision before the Learned Sessions Court and the Learned Sessions Judge enhanced the maintenance allowance from Rs. 2,000/- to Rs. 4,000/- per month. Aggrieved by such the husband/petitioner has moved this criminal revision.

2. Heard learned advocate appearing on behalf of the parties. Perused the materials on record.

3. It is an admitted position, when the amount of maintenance was enhanced the husband/petitioner's salary was about Rs. 20,000/- per month. In such view of the matter, the order

awarding a sum of Rs. 4,000/- to the wife/opposite party as her monthly maintenance in my opinion is not at all too excessive. In such view of the matter, I am not inclined to interfere with the order impugned.

4. This criminal revisional application stands dismissed.

5. In view of dismissal of the main criminal revisional application, the application being CRAN No. 190 of 2010 is also stands dismissed.

6. Criminal Section is directed to deliver urgent Photostat certified copy of this Judgment to the parties, if applied for, as early as possible.

(Ashim Kumar Roy, J.)