

(2000) 03 SC CK 0133

In the Supreme Court Of India

Case No : Criminal Appeal No. 317 of 2000 (Arising Out of Slp (Crl.) No.3823 of 1999)

Ashoka Dutta Gupta and Another

APPELLANT

Vs

Sujit Dutta Gupta and Another

RESPONDENT

Date of Decision : 31-03-2000

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 125

Citation : (2000) 3 ACR 2404 : (2001) 1 ALT(Cri) 64 : (2000) 10 JT 272 : (2000) 3 SCALE 146 : (2000) 9 SCC 193

Hon'ble Judges : K. T. Thomas, J;D. P. Mohapatra, J

Bench : Division Bench

Advocate : R. C. KOHLI : NANDINI GORE

Final Decision : allowed

Judgement

1. Leave granted.

2. First appellant is the wife and second appellant is the child of the first respondent. On behalf of both the appellants first appellant moved an application u/s 125 of the CrPC for maintenance allowance. The Magistrate before whom the motion was made granted Rs. 1000/- p.m. for the first appellant and Rs. 500/- per month for the second appellant. A revision was filed by the first respondent before the High Court in challenge of the said order. The revision was dismissed by the High Court, but strangely the High Court reduced the mount of monthly allowance from Rs. 1000/- to Rs. 800/- as for the first appellant and from Rs. 500/- to Rs. 400/- as for the second appellant. The said reduction was made after observing thus:

Perused the petition and the impugned order and I do not find any reason to interfere with the impugned order.

3. It was stated to be 'for the ends of justice' that the destitute wife was deprived of the amount granted by the Magistrate by making a reduction of Rs.

200/- p.m. and for the little child by making a reduction of Rs. 100/- p.m. Such reduction was absolutely uncalled for. Ends of justice never warranted such reduction. If the Magistrate had granted only the amount now fixed by the High Court perhaps the ends of justice would have warranted for enhancing the amount to the higher limit.

4. In the result we allow this appeal and modify the impugned order by restoring the amount fixed by the Magistrate in respect of both the appellants.