

Criminal Revision No.42 of 2024

CNR No. WBHW01-003012-2024

Present : Sri Somesh Prasad Sinha (J.O Code : WB00720)

Order No. 13 .

Dated : 03.07.2026

Today is fixed for passing order due to non-submission of show cause by the revisionist.

The revisionist does not take any steps today also.

Ld. Advocate for the State Mr. Ranjan Nayek is present and submitted that the revision is required to be disposed of on merit and accordingly, the matter is taken up for hearing and disposal on merit.

Heard Ld. PP-in-Charge. Perused the case record. Considered.

Instant revision u/s 438/440 of the BNSS has been preferred by Md. Sirajuddin against respondent No.1 Rukhshar Parveen and State of West Bengal challenging the order dated 06.04.2024, passed by the Ld. J.M, 2nd Court, Howrah in connection with Misc. Case No. 616 of 2022.

On going through the impugned order, it appears that Ld. Trial Court has passed the impugned order allowing interim monetary allowance u/s 125 of the Cr.P.C in favour of the respondent No1 / petitioner and ordered the appellant / O.P to pay interim maintenance allowance of Rs.6,000/- per month for the petitioner *wife and Rs.4,000/-* per month for her son from the date of filing of the case.

Ld. Trial Court while passing the said order, has observed that O.P / husband did not file his last three years' bank account statements and also observed that he has claimed himself a computer mechanic and showed his monthly earning as Rs.10,000/- per month. At the same time, the petitioner wife has claimed that her husband runs a computer repairing business in the name and style Computer Techno Solution and he earns Rs.2,00,000/- to Rs.2,50,000/- per month. It is also observed by the Ld. Trial Court that O.P / husband has contracted a second marriage and staying with his second wife at present.

On going through the aforesaid observation, made by the Ld. Trial Court, I find that the claim of the petitioner that O.P/ husband earns Rs.2,00,000/- to Rs.2,50,000/- per month is excessive and exaggerated claim, which normally happens in such cases in order to get enhanced and higher amount of maintenance. At the same time, it is also true that even if the O.P / husband works as a computer mechanic, his income per month cannot be Rs.10,000/- per month. It goes without saying that with such a meager income, a person cannot even dream to marry for the second time and keep a second wife out of such income, which clearly compels me to believe that he has also

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concealed his actual income. Accordingly, I find that the instant revision challenging the said award of interim maintenance passed by the Ld. Trial Court on the ground of very high quantum of maintenance cannot sustain. At the same time, I find that interim maintenance allowed by the Ld. Trial Court amounting to Rs.6,000/- per month for the petitioner / wife and Rs.4,000/- per month for her son, cannot be said to be excessive and exorbitant amount not in parity with the income of the revisionist and as such, I find that there is no scope of interfering with the impugned order. Hence, the impugned order appears to be just, proper, legal and valid.

Thus, the instant Revisional Application is fit to be rejected on merit.

Hence, it is

ORDERED

that the instant appeal being Criminal Revision No.42 of 2024 be and the same is hereby rejected on merit, but without any order as to costs.

The order dated 06/04/2024 passed by the learned Judicial Magistrate, 2nd Court, Howrah in Misc Case No. 616/ 2022 is hereby affirmed.

Let a copy of this judgment be sent to the learned Trial Court for information.
Dictated & Corrected by me.

(SOMESH PRASAD SINHA)
Additional Sessions Judge,
1st Court, Howrah.

(SOMESH PRASAD SINHA)
Additional Sessions Judge
1st Court, Howrah dt. 03.07.2026