

In the Court of Sessions Judge, Murshidabad

**Present : Shri Partha Pratim Chakraborty (JO-WB01240)
Sessions Judge, Murshidabad**

Criminal Appeal No. 07/2025

Order No. 3, dated 29.10.2025

This day is fixed for hearing on admission.

Ld. Advocate for the appellant by filing hazira.

Ld. PP, Murshidabad is present.

The matter is taken up for hearing on the point of admission.

Heard both sides. Perused the memo of appeal including the certified copy of the Judgment and order in question dated 18.07.2025 passed by Ld. Judicial Magistrate, 2nd Court, Berhampore, Murshidabad in Misc. Case No. 277/2018 and other documents filed. It appears that this appeal is filed within time and upon hearing the submission of learned Counsel for the appellant, I am of the view that there are good grounds for admitting this appeal.

Hence, this appeal is admitted.

Call for TCR.

Issue notice upon the OP No. 2.

Requisites to be filed at once.

The petition filed by the appellant praying for stay of the operation of the impugned judgment being moved is taken up for hearing.

Learned Counsel for the appellant submitted that on the date of alleged incident, Respondent No. 2 was not present at the matrimonial home, so no question arises for domestic violence. He further stated that Respondent No. 2 is not entitled to get maintenance as in course of evidence she admitted that she earns a sum of Rs. 25,000/- per month and she spends the same for her monthly personal need. Learned Counsel also submitted that in a case u/s 125 of the Cr.P.C, this Respondent No. 2 suppressed the fact of this case in her affidavit. In view of the above, learned Counsel prays for stay.

Considered the said submission. It is found from the copy of the evidence that the appellant is a government employee and his monthly income is Rs. 22,000/-. On the other hand, there is no material to hold that the Respondent has stable and permanent source of income to maintain herself. That apart, the maintenance order has been passed for the Respondent No. 2 and for her daughter. The relationship and marriage being undisputed, the appellant is bound to provide maintenance for the minor daughter i.e. the child of their marriage. Therefore, so far as maintenance of the daughter is concerned, no question arose to interfere with the same.

However, considering the facts and circumstances of the case and income of the appellant and the fact that this is the first appeal, the appellant may be directed to pay maintenance for a sum of Rs. 5000/- per month for the respondent and Rs. 5000/- per month for the daughter i.e. total sum of Rs. 10,000/- per month and accordingly, the operation of the impugned judgment passed by Ld. Magistrate will remain stayed on condition to pay sum of Rs. 10,000/- per month to the respondent No. 2 within 7th of each succeeding English calendar month as stated above till further order.

Fix **14.01.2026** for SR/AD, receipt of T.C.R and further order.

Dictated and corrected .
by me.

S. J., Msd.

Sessions Judge, Murshidabad.