

GAHC010009552018



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.Rev.P. 19/2018

1:JOGMOHAN BASUMATARY
S/O. LATE GAJEN BASUMATARY, RESIDENT OF KHARATAL PARA,
DUDHNOI, P.O. AND P.S. DUDHNOI, DISTRICT- GOALPARA, ASSAM, PIN-
783124

VERSUS

1:SAILA BALA RABHA
W/O. LATE GAJEN BASUMATARY, RESIDENT OF KHARATAL PARA,
DUDHNOI, P.O. AND P.S. DUDHNOI, DISTRICT- GOALPARA, ASSAM, PIN-
783124

Advocate for the Petitioner : MR. S K SINGHA

Advocate for the Respondent :

ORDER

Date : 23.01.2018

BEFORE
HON'BLE MR. JUSTICE HITESH KUMAR SARMA

This is a criminal revision petition filed under Sections 397/401 of the Cr.PC challenging the legality, propriety and correctness of the order, dated 07.11.2017, passed by the learned Principal Judge, Family Court, Guwahati in Misc. Case No. 645/2016, whereby the present petitioner is directed to pay enhanced maintenance allowance of Rs. 4,000/- per month to the sole respondent.

Heard Mr. SK Singha, learned counsel for the revision petitioner.

I have perused the petition as well as the copy of the annexures furnished therewith.

It appear from the materials placed before this Court that in FC(Crl.) No. 73^M/81, the learned Family Court vide order, dated 05.05.2004 directed the present petitioner to pay an amount of Rs. 600/- per month as maintenance allowance to the sole respondent and vide order passed on 07.01.2006 in Misc. Case No. 357/2005 the maintenance allowance was enhanced to Rs. 800/- per month to the sole respondent. Thereafter, vide Misc. Case No. 645/2016, the sole respondent prayed to the Court to enhance the maintenance allowance under Section 127 of the Cr.PC from Rs. 800/- per month to Rs. 10,000/- per month. After hearing both sides, the learned Principal Judge, Family Court enhanced the monthly maintenance allowance of Rs. 800/- to Rs. 4,000/-.

This revision petition is against the said order enhancing the maintenance allowance of Rs. 800/- per month to Rs. 4,000/- per month to be paid by the present petitioner to the sole respondent. It appears from the materials on record that enhancement from Rs. 800/- per month to Rs. 4,000/- per month is made after 11 years of the last enhancement in the year 2006.

Whatever it may be subject to payment of 75% of the enhanced maintenance allowance, issue notice to the sole respondent.

Registry will issue the notice upon the sole respondent only after the present petitioner deposits 75% of the enhanced monthly maintenance allowance in the Court of the learned Principal Judge, Family Court, Kamrup, Guwahati.

The petitioner will take steps upon the sole respondent by registered post with A/D within a period of 5 (five) days from today with a certificate that he has paid 75% of the enhanced maintenance allowance.

List the matter on **15th of February, 2018** after service of notice upon the sole respondent.

JUDGE

Comparing Assistant