

GAHC010049862026



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

Case No. : Crl.Pet./365/2026

MOHIDUR ISLAM CHOUDHURY
S/O- LT. ABU BAKKAR SIDDIQUE VILLAGE- SURJAKHATA, BILASIPARA
WARD NO. 4, P.O. P.S- BILASIPARA, DIST. DHUBRI, ASSAM, PIN-783348.

VERSUS

NAZZIMA BEGUM AND ANR
D/O- NAFIQU L ISLAM VILLAGE- BORO BAGHJHAP, P.O. HAZIRHAT, P.S.
SUKCHAR, DIST. SOUTH SALMARA MANKACHAR, ASSAM, PIN-783128

2:THE STATE OF ASSAM
REPRESENTED BY THE P.P. ASSA

Advocate for the Petitioner : MD. A HUSSAIN, MR. T ISLAM,MR. K ALOM

Advocate for the Respondent : PP, ASSAM, MR. M HOQUE(R1)

BEFORE
HONOURABLE MR. JUSTICE SANJEEV KUMAR SHARMA

ORDER

Date : 20.07.2026

Heard Mr. A. Hussain, learned counsel for the petitioner/ husband and Mr. M. Hoque, learned counsel for the respondent No. 1/ wife. Also heard Mr. P. Borthakur, learned Addl. Public Prosecutor, Assam for the State respondent No. 2.

[2] The instant application has been preferred by the petitioner under

Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, read with Article 227 of the Constitution of India challenging the order dated 10.02.2026 passed by the learned Sessions Judge, South Salmara, Mankachar in Crl. Rev. Petition No. 09/2025 by which the judgment and order dated 22.07.2025, passed in Misc. Case No. 98/2023 by the learned Addl. Chief Judicial Magistrate, South Salmara, Mankachar awarding maintenance of Rs. 9,000/- (Rupees nine thousand) only per month to the respondent/wife and their children has been upheld.

[3] The respondent/ wife herein filed a petition under Section 125 of the Cr.P.C. and her case in brief is that, she got married to the petitioner/ husnand on 12.02.2022 as per Muslim Law and Customs. After the marriage, both parties lived together in the house of one Abdul Rezza where they lived together as husband and wife. After Two months of the marriage, the mother of the Petitioner came to Belbari and stayed with the couple. At the instigation of the family members, the Petitioner started to torture her mentally and physically by demanding Rs. 1,00,000/- in cash. After few days, her mother in law went to her house at Surjyakhata at Bilasipara. The petitioner locked the room for outside when he went to office. A local 'Salis' was held, where the public asked him to amend his behavior, but he did not chance. The petitioner on coming to know about the pregnancy of the respondent started to torture her and asked her to abort her pregnancy. As she refused, she was taken to Surjyakhata, Bilasipara in the Month of September 2022. The petitioner and his mother tortured the respondent, by demanding dowry. The petitioner snatched away all her ornaments and sent her back to her parental house with a warning that she will be accepted if the demand is met. As the respondent expressed their inability, the petitioner left her at her parental house and threatened to kill her,

if she used to return back to her matrimonial home. Subsequently, the respondent gave birth to a female child on 16.12.2022. The petitioner neither enquired about the Petitioner nor provided any treatment.

[4] In the aforesaid proceedings under Section 125 Cr.P.C., the present petitioner/ husband has filed his written statement denying the allegations against the respondent/ wife. The learned Magistrate awarded Rs. 6,000/- (Rupees six thousand) only for the respondent/ wife and Rs. 3,000/- (Rupees three thousand) only to the child, having regard to the income of the petitioner/ husband, who is a Government servant working as Junior Administrative Assistant in the Circle Office.

[5] It is admitted position that the monthly salary of the petitioner/husband is Rs. 45,000/- (Rupees forty five thousand) only. The petitioner/ husband herein challenges the impugned order on the ground that he has no ability to pay the said amount, secondly he maintains his first wife, children and brothers and he also has EMIs to pay.

[6] Having regard to the admitted fact that the petitioner is a Government servant having regular salary of Rs. 45,000/- (Rupees forty five thousand) only per month, the impugned award by the learned Magistrate as affirmed by the learned revisional Court appears to be fair and justified, being less than one fourth of the admitted income of the petitioner/ husband, the liabilities of the petitioner as EMIs is personal to him and not relevant for consideration herein.

[7] On perusal of the impugned order, I do not find any gross illegality or infirmity warranting interference by this Court in exercise of it's inherent jurisdiction.

[8] Accordingly, this criminal petition is held to be devoid of any merit and the same stands dismissed.

JUDGE

Comparing Assistant