

GAHC010107062011



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

Case No. : CrI.Rev.P./186/2011

MD. PUTUL ALI
S/O MD RUSED ALI R/O VILL- PATROPUR, P.O. KENDUA, P.S. BAIHATA
CHARIALI, DIST. KAMRUP, ASSAM.

VERSUS

THE STATE OF ASSAM AND ORS

2:MRS. ANIMA BEGUM
W/O MD PUTUL ALI AND D/O MD SIRAJ ALI
VILL and P.O. KARARA P.S. BAIHATA CHARIALI
DIST. KAMRUP
ASSAM.

3:MD NIPUL ALI
S/O HAIJEN ALI VILL- SEPKUCHI
P.O. SEPKUCHI P.S. BAIHAT CHARIALI
DIST. KAMRUP
ASSAM

Advocate for the Petitioner : MS.S B CHOUDHURY, MR.S K DAS,MS.S CHAKRABORTY

Advocate for the Respondent : PP, ASSAM, MS. K PHUKAN (LEGAL AID COUNSEL FOR R-2),MRM RAHMAN,

BEFORE
HONOURABLE MR. JUSTICE PRANJAL DAS

ORDER

24.03.2026

Heard Mr. S. B. Choudhury, learned counsel for the petitioner. Also heard Mr. K. Baishya, learned Additional Public Prosecutor appearing for respondent No.1 and Ms. K. Phukan, learned Legal Aid Counsel appearing for respondent No.2.

The petitioner herein who is married to respondent No. 2, is aggrieved by the judgment and order dated 19/11/2010 passed by the learned Principal Judge Family Court, Kamrup, Guwahati, in FC (Crl.) No.32 of 2008, whereby allowing the maintenance proceeding filed by the respondent No. 2 as first party, the learned family court was pleased to grant her a monthly maintenance of Rs.1,500/-.

Mrs. Choudhury, learned counsel for the petitioner submits that during the subsistence of the maintenance proceeding itself, the respondent No. 2/first party, had left the petitioner and married one Nipun Ali, who has been subsequently impleaded in this petition as respondent No. 3 but none appears on his behalf.

It is submitted that in view of her second marriage, during the subsistence of the maintenance proceeding itself, she was not entitled to be granted maintenance and therefore, the impugned judgment and order granting her monthly maintenance is erroneous and requires interference in this Criminal Revision Petition.

Before preceding further, this Court takes note of notification No. 30 dated. 22.05.2024 issued by the Administrative side of this Court whereby all judgments and orders passed by Family Court on both the civil and criminal side have to be heard by the Special Division Bench.

In view of the said notification and as agreed to by the learned counsel for both sides, this matter may be fixed on 21/4/2026 for hearing before the Special Division Bench.

JUDGE

Comparing Assistant