

GAHC010192662025



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

Case No. : Crl.Pet./1061/2025

BIDYUT PRATIM DAS
SON OF SRI ANURAM DAS
RESIDENT OF VILL- KUSHAL KONWAR PATH, BYLANE -7, PHASE 5, P.O.
TINSUKIA, P.S. TINSUKIA, DIST. TINSUKIA, ASSAM, PIN-786125.

VERSUS

TRINA DAS
W/O BIDYUT PRATIM DAS
D/O MR. SUBHARAM DAS
R/O VILL- SINGORI BALI GAO, ITAKHULI, P.S. BARBARUAH, PIN-786007,
DIBRUGARH, ASSAM

Advocate for the Petitioner : MR. S N KRISHNATRAYA, J DAS

Advocate for the Respondent : ,

BEFORE
HON'BLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 01.09.2025.

Heard Mr. S.N. Krishnatraya, learned counsel for the petitioner.

This is an application under Section 528 of the BNSS, 2023 (corresponding to Section 482 of the CrPC), for setting aside the order dated 06.06.2025, passed

by the learned Addl. Sessions Judge, Dibrugarh in Criminal Revision No.24(3)/2024, whereby the judgment and order dated 19.07.2024, passed in MR Case No.50^M/2021 is set aside with a direction to the learned trial Court to determine the quantum of maintenance afresh and the order dated 15.07.2025, passed by the learned Judicial Magistrate First Class, Dibrugarh in MR Case No.50^M/2021, whereby the petitioner was directed to pay Rs. 10,000/- (Rupees ten thousand) per month, as maintenance to the respondent.

Issue notice to the respondent returnable in 4 (four) weeks.

Petitioner shall take steps for service of notice upon the sole respondent by registered post with A/D as well as by through usual process within 3 (three) working days from today.

Also, call for the scanned copy of the Trial Court Record. Registry will do the needful.

Heard on interim prayer.

It is submitted by Mr. Krishnatraya, learned counsel for the petitioner, that the respondent as a first party, initially lodged a case under Section 125 CrPC but the learned Trial Court rejected the prayer for maintenance under Section 125 CrPC and assailing that order, she preferred a revision petition before the learned Addl. Sessions Judge, Dibrugarh, which has been numbered as Criminal Revision No.24(3)/2024. After hearing the matter, the learned Addl. Sessions Judge, Dibrugarh had set aside the order of the learned Judicial Magistrate First Class, Dibrugarh and directed the Trial Court to decide the quantum of maintenance allowance, considering all aspects of the case and accordingly, the

impugned order 15.07.2025 is passed, directing the petitioner to pay Rs. 10,000/- (Rupees ten thousand) per month, as maintenance to the respondent, which was initially rejected on the basis of the evidence adduced by the parties. The learned counsel for the petitioner further submitted that the petitioner is not in a position to pay the arrear amount and the maintenance allowance of Rs. 10,000/- per month, as he has the burden of his old ailing parents as well as his other family members. However, he submitted that he is still ready to pay 50% of the awarded maintenance allowance i.e. Rs.5,000/- (Rupees five thousand) per month.

Considering the submission made by the learned counsel for the petitioner and also considering the other aspects of the case, the petitioner is hereby directed to pay Rs.6,000/- (Rupees six thousand) only, per month till disposal of the present petition and till the next date of listing, payment of the arrear amount be stayed.

List the matter accordingly after four (4) weeks.

JUDGE

Comparing Assistant