

GAHC010215202023



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

Case No. : Crl.Rev.P./414/2023

PABITRA KR MEDHI
S/O. SRI BISWARAM MEDHI, R/O. CHERAKANI, P.S. DOGMOKA, DIST.
KARBI ANGLONG, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY PP, ASSAM

2:SMTI. LAKHI PRABHA BORAH
W/O. SRI. PRABITRA KR. MEDHI
(D/O. SRI. ROBIRAM BORAH)
R/O. PARKHOWA
P.S. DOGMOKA
DIST. KARBI ANGLONG
ASSA

Advocate for the Petitioner : MR. B. DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

05.10.2023

Heard Mr. B. Das, learned counsel for the petitioner and also heard Mr. P. Borthakur, learned Additional Public Prosecutor, Assam, appearing for the State respondent No.1.

In this petition, under Section 401 read with Section 397 read with Section 482 of the Code of Criminal Procedure, 1973, the petitioner, namely, Pabitra Kr. Medhi, has challenged the correctness or otherwise of the judgment and order dated 21.07.2023 passed by the learned Judicial Magistrate First Class, Hojai, in M.R. Case No.98/2019. It is to be noted here that vide impugned judgment and order dated 21.07.2023, the learned Court below has directed the petitioner to pay maintenance @ ₹ 5,000/- per month in favour of the respondent No.2 Smt. Lakhi Prabha Borah and also @ ₹ 5,000/- per month to the child of the respondent No.2.

Perused the petition and the documents placed on record and also perused the impugned judgment and order dated 21.07.2023.

Let notice be issued, returnable in 4(four) weeks.

Steps be taken upon the respondent No.2 by registered post with A/D and also by usual process within a week from today.

No formal notice is required to be issued to respondent No.1 since Mr. P. Borthakur, learned Additional P.P. has entered appearance and received notice. However, extra requisite copy of the petition be furnished to Mr. Borthakur during the course of the day.

Registry shall call for the record from the learned Court below.

List the matter after 4(four) weeks.

Till returnable date, the petitioner shall continue to pay maintenance to the respondent No.2 @ ₹ 5,000/- per month and to her daughter @ ₹ 2,000/- per month.

Sd/- Robin Phukan
JUDGE

Comparing Assistant