

GAHC010278252025



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

Case No. : Crl.Rev.P./1/2026

RUHUL AMIN
S/O SHAMSUL HOQUE, R/O VILL- DEWKURA,P.O. AND P.S. KALGACHIA
DIST. BARPETA, ASSAM.

VERSUS

NOOR NEHAR
D/0- ABDUL MANNAN,R/O VILL- DEWKURA,P.O. P,S. KALGACHLA,1.DIST.
BARPETA, ASSAM.PIN -781319.

Advocate for the Petitioner : MR. R ALI, MR. MUSTAFA HUSSAIN,MR H A AHMED

Advocate for the Respondent : ,

BEFORE
HON'BLE MRS. JUSTICE MITALI THAKURIA

O R D E R

Date : 25.02.2026.

Heard Mr. R. Ali, learned counsel for the petitioner.

This is an application under Section 438/442 read with Section 528 of the BNSS, 2023 against the impugned order dated 10.11.2025, passed by the Court of learned Principal Judge, Family Court, Barpeta in F.C. (Crl.) Case No.816/2023, under Section 125 CrPC, directing the petitioner to pay maintenance of

Rs.9,000/- to the respondent and Rs.3,500/- each to her two minor children from the date of filing of the case.

It is submitted by Mr. Ali, the learned counsel for the petitioner that earlier the present respondent had lodged two cases against the present petitioner i.e. one under the D.V. Act and another under Section 498A of the IPC and in the same time, the petitioner also instituted a case for restitution of conjugal rights. But subsequently due to compromise between the parties, the D.V. Case as well as the restitution of conjugal rights case were withdrawn by the petitioner as well as the respondent and in the case filed under Section 498A of the IPC, the present petitioner got acquitted. Thereafter, the respondent again lodged one D.V. Case, wherein the order was passed for payment of Rs.4,000/- for the respondent and Rs.1,500/- each to her minor children and thus, the present petitioner is paying Rs.7,000/- per month in the said D.V. Case. But subsequently, in the case under Section 125 of the CrPC, the judgment was passed wherein the petitioner was directed to pay maintenance of Rs.9,000/- to the respondent and Rs.3,500/- each to her two minor children from the date of filing of the case. The petitioner is still paying the maintenance in the D.V. Case. However, without mentioning about the maintenance already awarded in the D.V. Case, the Court of learned Principal Judge, Family Court, Barpeta had passed the impugned order directing the petitioner to pay Rs.16,000/- per month.

Accordingly, the learned counsel for the petitioner submitted that the impugned order dated 10.11.2025, passed by the Court of learned Principal Judge, Family Court, Barpeta in F.C. (Crl.) Case No.816/2023 may be stayed till disposal of the present revision petition. However, the petitioner is ready to pay Rs.7,000/- per

month as directed by the Court in the D.V. proceeding.

Hearing the submission made by learned counsel for the petitioner, it is hereby directed that the petitioner say pay Rs.10,000/- per month, till the next date of listing.

In the meantime, issue notice to the sole respondent returnable in 4 (four) weeks.

Petitioner to take steps for service of notice upon the sole respondent through speed post as well as through usual process within 3 (three) working days from today.

Also call for the Trial Court Record.

List the matter after four (4) weeks, as on a date to be fixed by the Registry.

JUDGE

Comparing Assistant