

**HIGH COURT OF TRIPURA
AGARTALA
CRL. REV P NO.32 OF 2022**

Sri Kabir Ahammed

..... **Petitioner(s)**

Vs.

The State of Tripura and ors.

..... **Respondent(s)**

For the Petitioner(s) : Mr. A. Dey, Advocate.

For the Respondent(s) : Mr. P.K. Dhar, Sr. Advocate.
Mr. R. Datta, P.P.
Mr. R. Debnath, Advocate.

Date of hearing and delivery of
Judgment & Order : 13.07.2023

Whether fit for reporting : NO.

HON'BLE MR JUSTICE T. AMARNATH GOUD

JUDGMENT AND ORDER

This present revision petition has been filed under Section 397 read with Section 401 of the Code of Criminal Procedure 1973 against the Judgment passed on 31.03.2021 in connection with Criminal Misc.08 of 2020 wherein the learned Judge, Family Court, Sonamura Sepahijala directed the petitioner to pay maintenance allowance of Rs.6,000/- only per month to the wife-petitioner and her minor child.

2. The brief fact of this case is that the wife-opposite party got married to the petitioner on 14.10.2016 according to the Muslim rites and customs and the said marriage was solemnized on the negotiation made between the guardian of both the parties. After the marriage, both the husband and wife-opposite party have been living peacefully but after 2(two) months, disagreements and conflict began to raise between them due to various reasons. After

a few months, the wife-opposite party got pregnant and delivered a male child. Due to the disagreement and conflict, the wife-opposite party filed a petition under Section 125 of the Cr.P.C. wherein she sought for maintenance herself and for her minor child. The husband-petitioner denied and disputed all allegations of the wife-respondent herein. Further, the husband-petitioner herein stated that he is unemployed and is having no source of income. He is a day labour and earning a negligible amount in a month and is not capable to give maintenance to the wife-opposite party. The wife-opposite party at the time of leaving the husband's house took all her golden ornament and documents. The wife opposite party is running a Beauty Parlor situated at Shamali Baar and from that source, she is earning Rs.8,000/- to Rs.10,000/- per month. After hearing both sides, the Trial Court awarded Rs.6,000/- only per month as maintenance.

3. Being aggrieved by and dissatisfied with the Judgment passed by the learned Trial Court, the petitioner has preferred this present petition seeking to quash/set aside the Judgment passed on 31.03.2021 by the learned Judge, Family Court, Sonamura, Sepahijala in Criminal Misc. No.08 of 2020.

4. Mr. A. De, learned counsel appears for the petitioner. Mr. R. Datta, learned P.P. appears for respondent No.1 and Mr. P.K. Dhar, learned Sr. counsel assisted by Mr. R. Debnath, learned counsel appears for respondents No.2 and 3.

5. Heard both sides and perused the evidence on record.

6. This Court has perused the Judgment dated 31.03.2021. The Court below in its Judgment stated that no documentary evidence was adduced by the petitioner in support of

his claim that the wife-respondent is running a beauty parlour and is earning from that source. Accordingly to this Court, the order passed by the Court below that maintenance of Rs.6,000/- only per month is to be paid to the wife-respondent and her minor son by the petitioner herein is just and proper needs no further interference.

7. With the above observation and direction, this present petition stands dismissed and the Judgment dated 31.3.2021 is confirmed and thus upheld. As a sequel, stay if any stands vacated. Pending application(s) if any also stands closed.

JUDGE

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