

**HIGH COURT OF TRIPURA
AGARTALA**

Crl.Petn. No.45 of 2022

Subrata Saha

S/O Sri Sankar Saha of Gandhigram, Saha Para,
Near Ramthakur Ashram,
P.O-Gandhigram, P.S-Airport,
PIN-799012, District-West Tripura.

....Petitioner(s)

Versus

Smt. Payel Sutradhar

W/o. Sri Subrata Saha,
D/O- Sri Tutan Sutradhar of Town Pratapgarh,
P.S: East Agartala, Dist.-West Tripura.

....Respondent(s)

For the Petitioner(s)	:	Mrs. Piyali Chakraborty, Advocate
For Respondent(s)	:	Mrs. Pinki Chakraborty, Advocate
Date of hearing & Delivery of judgment & order	:	29.08.2023
Whether fit for reporting	:	No

**HON'BLE MR. JUSTICE ARINDAM LODH
JUDGMENT & ORDER (ORAL)**

Heard Mrs. Piyali Chakraborty, learned counsel appearing for the husband-petitioner. Also heard Mrs. Pinki Chakraborty, learned counsel appearing for the wife-respondent.

There was an order passed by the learned Judge, Family Court to pay maintenance in favour of the wife-respondent at the rate of Rs.9,000/- per month. It was alleged by the wife-respondent that till the month of May, 2020, the husband-petitioner was paying the maintenance at the said rate, but since June, 2020 till March, 2022 she was not being paid the maintenance. When she found that from the month of June, 2020 she was not getting any maintenance, she filed an application to pay the arrear of maintenance before the Court of learned Judge, Family Court claiming arrear of maintenance for 11(eleven) months upto April, 2021 which was due till the filing of the application under Section 128 of Cr.P.C.

The contention of Mrs. Piyali Chakraborty, learned counsel for the husband-petitioner is that the wife-respondent in her petition itself has prayed for arrear of maintenance for 11 months, but the learned Judge, Family Court had granted maintenance for 23 months in favour of her.

Mrs. Pinki Chakraborty, learned counsel for the wife-respondent has submitted that during the pendency, the wife-respondent had mentioned the period from June, 2020 to April 2021 only for the reason that in the month of May, 2021 she filed the application for getting arrear of maintenance under Section 128 of Cr.P.C. However, even after filing of the petition, the husband-petitioner was not paying the maintenance and the total arrear of maintenance was accumulated till March, 2022 i.e. for 23 months that led the learned Judge, Family Court to grant maintenance for 23 months.

I have considered the submissions of learned counsel appearing for the parties.

It is clear from the findings of the learned Judge, Family Court that the husband-petitioner was not paying maintenance in favour of the wife-respondent for 23 months i.e. from the month of June, 2020 till March, 2022.

In view of this clear finding of fact arrived at by the learned Judge, Family Court, I do not find any ground to interfere with the findings of the learned Judge, Family Court in granting the arrear of maintenance to the wife-respondent for 23(twenty three) months.

Accordingly, the instant criminal petition stands dismissed.

Pending application(s), if any, also stands dismissed.

JUDGE

Snigdha

SANJAY
GHOSH

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