

GAHC010197602023



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

Case No. : Crl.Rev.P./387/2023

MONOJ SINGHA
S/O NAGENDRA SINGHA
R/O DHOLAI LANTUGRAM
P.O. DHOLAI, P.S. DHOLAI
DIST. CACHAR, ASSAM
PIN-788114

VERSUS

PUINA BATI SINGHA
W/O SHRI MONOJ SINGHA
D/O BINBABU SINGHA
R/O BERABAK PART-III
P.O. NADIRGRAM, P.S. SONAI
DIST. CACHAR, ASSAM
PIN-788121

Advocate for the Petitioner : MR. P K DEKA

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

15.09.2023

Heard Mr. P.K. Deka, learned counsel for the petitioner.

2. In this criminal revision petition, under Sections 401 and 397 of the Cr.P.C. read with Article 227 of the Constitution of India, the petitioner namely, Shri

Monoj Singha has put to challenge the legality, propriety and correctness of the order dated 03.06.2023, passed by the learned CJM, Cachar, Silchar, in Misc. DV Case No. 227/2021.

3. It is to be noted here that vide order dated 03.06.2023, the learned court below has directed the petitioner to pay interim maintenance @ Rs. 3,000/- per month to the respondent w.e.f. 04.05.2023, and also the learned court below has rejected the petition No. 4131/2023, filed by the petitioner for allowing him to file written statement in the said proceeding.

4. Mr. Deka, learned counsel for the petitioner submits that the petitioner is the respondent in a proceeding under Domestic Violence Act, being Misc. DV Case No. 227/2021, and he is an unemployed youth and in search of his livelihood he is out of the State and therefore, on the fixed date i.e. 03.06.2023, he could not appear before the learned court below and his engaged counsel had filed one application and the same was dismissed by the learned court below and that his monthly income is Rs. 6,000/- only and out of which he needs to maintain his parents and himself and as such, he is unable to pay the interim maintenance at the rate so fixed by the learned court below and that prejudice is cost to the petitioner for refusing to allow him to file written statement. Mr. Deka further submits that though he has prayed for interfering with the quantum of interim maintenance, yet, his primary grievance is only against the rejection of his petition to file written statement and therefore, it is contended to allow the petition to file written statement.

5. Having heard the submission of learned counsel for the petitioner, I have carefully perused the petition as well as the documents placed on record and also perused the impugned order dated 03.06.2023.

6. It appears that the learned court below has directed the petitioner to pay interim maintenance @ Rs. 3,000/- per month. However, the learned court

below has rejected the petition filed by the petitioner for allowing him to file written statement.

9. As Mr. Deka, learned counsel for the petitioner submits that the primary grievance of the petitioner is against the rejection of his petition for allowing him to file written statement, this Court is of the view that in view of the given facts and circumstances the petitioner is required to be given a chance and it will meet the ends of justice. Accordingly, this petition stands disposed of at this motion stage itself, by directing the learned court below to allow one last chance to the petitioner to file his written statement on next date fixed i.e. 04.10.2023.

10. However, the petitioner shall continue to pay the maintenance @ Rs. 3,000/- fixed by the learned court below.

11. In terms of above, this petition stands disposed of, at this motion stage itself.

JUDGE

Comparing Assistant