

**HIGH COURT OF TRIPURA
AGARTALA
CRL. REV. P NO.32 OF 2024**

Smt. Susmita Datta@Dutta.

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

Versus

Sri Rahul Tivari.

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

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

For the Respondent(s) : Mr. S. Das, Advocate.

Date of hearing and delivery of
Judgment & Order : 08.08.2024.

Whether fit for reporting : NO.

**HON'BLE MR. JUSTICE T. AMARNATH GOUD
J U D G M E N T & O R D E R (O R A L)**

This present criminal revision petition has been filed under Section 397 read with Section 401 of Cr.P.C. preferred against the Judgment dated 05.03.2024 passed by Judge, Family Court Dharmanagar, North Tripura in Case No. Criminal (Misc.)55 of 2021 filed by the petitioner herein.

2. The brief fact of this case is that the marriage between the petitioner and opposite party(*respondent herein*) was claimed to be solemnized on 16.06.2019 as per Hindu Rites and Customs at

Panisagar, Manasha Mandir. It was averred that their love affairs through social media had reduced to marital bonding. But due to the subsequent development of differences in opinion and tastes, at one point of time, the petitioner instituted a petition under Section 12 of Cr.P.C. before the Court of Family Judge Dharmanagar, North Tripura. The said petition was rejected by the Court below as the petitioner failed to prove the marriage between her and the opposite party i.e. the respondent herein. Aggrieved, by the same, the petitioner is before this Court with this present revision petition.

3. Heard Mr. A. Nandi, learned counsel appearing for the petitioner as well as Mr. S. Das, learned counsel appearing for the respondent.

4. Mr. Nandi, learned counsel appearing for the petitioner submits that cohabitation between the parties is proved from evidence on record. Learned counsel further submitted that the petitioner in her deposition stated that she stayed with the OP i.e. the respondent herein after marriage and OP also took her to Dimapur. Mr. Nandi also relied upon the deposition of P.W.-4, the priest wherein he stated that he conducted the marriage of the parties.

5. On the other hand, Mr. S. Das, learned counsel appearing for the respondent submits that the respondent has a

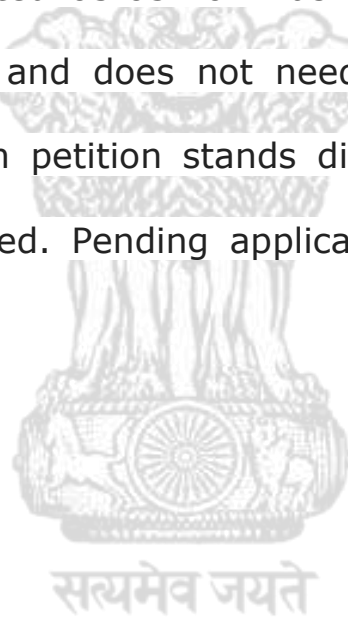
wife and children and he is residing in another state. The petitioner has not been able to prove her contention before the Court below and the Judgment dated 05.03.2024 passed by the Court below is just and proper and does not need interference. As such, he urged the Court to dismiss this revision petition.

6. Heard and perused the evidence on record.

7. The scope in a revision petition is minimal. However, it is seen from the record that the petitioner has claimed that the marriage between her and the respondent was solemnized on 16.06.2019 in the Panisagar Mansha Mandir. But she could not prove the same before the Court below. On the query of the Court, the counsel appearing for the petitioner has not been able to prove a photograph of the said marriage or otherwise any sort of proof to compensate the said claim. Furthermore, from the cross-examination of P.W.-4 i.e. the priest, it is seen that the witness stated that he is not the priest of the Manasha Mandir, his declaration has been written by someone else and he signed below it and he does not know the contents of the declaration. He also has not mentioned the date on which he signed the declaration. Therefore, it is very difficult to rely on the evidence of P.W.-4. It is seen from the deposition of P.W.-1 that though she stated that she resided with OP at Panisgar in the house of one Some Deb for about 4 years, but, the petitioner in her deposition also stated that the

respondent physically stayed with her for only 15 days and thereafter he left and came during Durgapuja and then stopped his visit. Thereafter, OP took her to Dimapur and due to the difference between them, she came back. However, the petitioner has not been able to prove any document of staying together such as a rent agreement or rent receipt.

8. In view of the above discussion, this Court is of the view that the impugned Judgment dated 05.03.2024 as passed by the Court below is just and proper and does not need interference. Accordingly, this present revision petition stands dismissed. As a sequel, stay if any stands vacated. Pending application(s), if any also stands closed.



JUDGE

suhanjit

RAJKUMAR Digitally signed by
SUHANJIT SUHANJIT SINGHA
SINGHA Date: 2024.08.16
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