

**HIGH COURT OF TRIPURA
AGARTALA**

Crl.Rev.P. No.31 of 2026

Shri Biswajit Chakraborty (Age 41 years),

S/o Shri Ratan Chakraborty,
A resident of Kamalajoth,
P.O. & P.S.: Sabroom,
Dist.: South Tripura.

----Petitioner(s)

Versus

1. Smt. Madhuri Chakraborty,

W/o Sri Biswajit Chakraborty,
D/o Sri Manik Chakraborty,
A resident of village-S.B.C. Nagar,
(Garage Tilla),
P.S.: Belonia, Dist.: South Tripura

----Respondent(s)

2. The State of Tripura,

Represented by the Secretary,
Department of Home.

----Proforma-Respondent(s)

For Petitioner(s)	:	Mr. Suman Bhattacharjee, Adv.
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For Respondent(s)	:	Mr. Raju Datta, P.P.
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HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

14/05/2026

Heard Learned Counsel, Mr. Suman Bhattacharjee appearing on behalf of the petitioner-husband. Also heard Learned P.P., Mr. Raju Datta appearing on behalf of the respondent-State.

This criminal revision petition is filed under Section 397 read with Section 401 of the Cr.P.C., 1973 corresponding to Section 438 of the BNSS, 2023 read with Section 442 of the BNSS, 2023 for setting aside the order dated 31.03.2026 passed by Learned Judge, Family Court, South Tripura, Belonia in connection with Maint (ALT) 4 of 2024.

In course of hearing, Learned Counsel for the petitioner submitted that the Learned Trial Court without affording any opportunity to cross-examine the PWs has closed the evidence and posted the case for DWs. It is further submitted that inspite of filing adjournment petition, the present petitioner-husband was not given any opportunity resulting which

he has been seriously prejudiced. So, Learned Counsel for the petitioner-husband urged for setting aside the said order.

It is further submitted by Learned Counsel for the petitioner-husband that the case was posted for DWs on 17.04.2026. However, on that day, the concerned Presiding Officer was on leave and as such, the next date was fixed on 18.05.2026 for DWs.

Perused the order dated 31.03.2026.

It appears that on 31.03.2026, an adjournment petition was filed before the Learned Trial Court on behalf of the present petitioner-husband which was rejected on the ground that in earlier occasion also the witnesses of the respondent-wife i.e. the petitioner in Maint (Alt) 4 of 2024, was returned back twice without cross-examination. Further, the petitioner-husband also failed to deposit the cost as per order of the Learned Judge, Family Court, South Tripura, Belonia.

Learned Counsel, Mr. Bhattacharjee for the petitioner-husband fairly submitted that an opportunity should be given to the present petitioner-husband to cross-examine the witnesses of the PWs. It is further submitted that the petitioner-husband is ready to deposit the cost imposed by Learned Trial Court and prayed for passing appropriate order.

It appears to this Court that the order dated 31.03.2026 was passed by Learned Trial Court in a proceeding for alteration of maintenance allowance. Without recording evidence it is quite impossible to pass any appropriate order and it would be prudent that at the time of passing of the final order, the Learned Trial Court should peruse the evidence on record.

However, at the same time, it is also true that the conduct of the petitioner-husband, being a Government Servant, was not at all satisfactory.

So, for the sake of justice and for proper adjudication of the petition filed by the respondent-wife before the Learned Judge, Family

Court, South Tripura, Belonia, in my opinion, an opportunity should be given to the present petitioner-husband to cross-examine the PWs and to adduce evidence, if any, in support of his contention.

Considering all, the order dated 31.03.2026 passed by Learned Judge, Family Court, South Tripura, Belonia stands set aside.

The present petitioner-husband is asked to appear before the Learned Trial Court on 18.05.2026 and to deposit cost of Rs.5,000/-. Learned Trial Court, thereafter, shall direct the respondent-wife to produce her witnesses for cross-examination by the opposite party i.e. the petitioner-husband on the subsequent day. Thereafter, after recording the evidence of DWs, if any, Learned Trial Court shall deliver appropriate order preferably within a period of 3(three) months.

The cost deposited by the petitioner-husband shall be given to the respondent-wife i.e. the petitioner in Maint (Alt) 4 of 2024. Her signature be taken on the margin of the order sheet.

It is further made clear that on the date fixed by Learned Judge, Family Court for cross-examination of witnesses, if the petitioner-husband remains absent in that case, the present petitioner-husband shall lose his right and Learned Court below shall proceed to dispose of the case.

With this observation, the present criminal revision petition stands disposed of.

Send a copy of this order immediately to Learned Trial Court. Also a copy of this order be supplied to Learned Counsel for the petitioner-husband for information and compliance.

JUDGE

Snigdha

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