

08.11.2021

Sl. No. 09

Srimanta

Ct. No. – 25

D/L

**CRR/2907/2007
(Via Video Conference)**

**In Re : An application under Section 401 read with
Section 482 of the Code of Criminal Procedure, 1973.**

And

In the matter of : Sri Subodh Mondal.

... petitioner.

Mr. Sanat Kumar Das, Adv.,
Mr. Sujan Chatterjee, Adv.

...for the petitioner.

Learned advocate for the petitioner is present.

The opposite party remains unrepresented.

Learned advocate for the petitioner has filed an envelope addressed and posted to the opposite party in his recorded address which was returned with a postal remark "*Absent for long time. Left the place without address*".

The instant criminal revision is taken up for hearing. I have heard the learned advocate for the petitioner at length.

In the instant revision the husband/petitioner has challenged an order passed in Case No. 99 of 2004 being a proceeding under Section 125 of the Code of Criminal Procedure filed by the opposite party directing the petitioner to pay maintenance allowance at the rate of Rs.500/- per month in favour of the opposite party.

Main ground of attack on the impugned order by the petitioner is that no marriage was solemnized between the petitioner and the opposite party. The opposite party is not legally married wife of the petitioner. Hence, he is not under

obligation to pay any maintenance allowance to the opposite party.

I have carefully gone through the order passed by the learned Judicial Magistrate, 1st Court, Malda in Case No. 99 of 2004 directing the petitioner to pay maintenance allowance at the rate of Rs.500/- per month. It is recorded by the learned Magistrate that the opposite party in her evidence as P.W. 1 before the Trial Court stated on oath that her marriage was solemnized with the present petitioner under Hindu rites and ceremonies and subsequently, the said marriage was registered under Hindu Marriage Act. The registration certificate was marked exhibit during trial of the said proceeding.

The present petitioner during trial of the case could not establish his case that there was no marriage between him and the opposite party herein. On the contrary, the learned Magistrate placed reliance upon the certificate of marriage between the parties and held that for the purpose of proving marriage under Section 125 of the Code of Criminal Procedure the said certificate of marriage was sufficient and no strict proof of marriage is necessary in a proceeding under Section 125 of the Code of Criminal Procedure.

On careful perusal of the impugned order I do not find any illegality or material irregularity in the impugned order. Accordingly, the instant criminal revision being devoid of any merit is **dismissed**. The order passed by the learned Judicial Magistrate, 1st Court at Malda in Case No. 99 of 2004 is affirmed.

Let a copy of this order be sent to the learned Judicial Magistrate, 1st Court at Malda for information through the Department.

(Bibek Chaudhuri, J.)