

CRR 282 of 2007

**Joynuddin Molla
Vs.
Rebeya Bibi**

Despite service of notice, none is appearing on behalf of the petitioner.

This revisional application is pending since 2007. Without adjourning the case suo motu, I am inclined to dispose of the revisional application on merit based on the materials available with the record.

This application, under consideration challenges the judgement and order dated 4th September, 2006 passed by learned 3rd Judicial Magistrate, Diamond Harbour, South 24 parganas in case no. M-363 of 2000 under Section 125 of the Code of Criminal Procedure. By the impugned judgment, learned 3rd Judicial Magistrate was pleased to direct the husband, who has filed this application before this court, to pay a sum of Rs. 600/- per month towards maintenance of his wife and Rs. 600/- per month for each of his two minor children w.e.f. 4th September, 2006.

Briefly stated, depicting herself as the neglected wife of Jainaddin Molla, Rabeya Bibi filed the petition under Section 125 of the Code of Criminal Procedure seeking maintenance alleging inter alia that her marriage with Jainaddin Molla was contracted five years previous to the incident. They have two children in the marriage. After marriage, she was subjected to torture in her matrimonial home over the demand of money and on 28th June,

1999, she was driven out by her husband along with her two minor sons. She had to take refuge in her father's house. Her husband is a man of means who earned a sum of Rs. 6,000/- per month but despite having such means, he refused to maintain his wife and children who do not have any source of income. The petition was contested by Jainaddin Molla who alleged that he was put under pressure to stay in his in-laws' house as domesticated son-in-law and with some oblique purpose, his wife initiated the proceeding. Learned trial court however, after considering the evidence adduced by the parties, passed the impugned judgment.

From the attending facts of the case when it is admitted that the petitioner is the husband of opposite party, Rayeba Bibi and he has incurred the obligation to maintain his wife who is forced from the very factum of marriage, I do not find any reason to interfere with the judgment impugned. Undoubtedly, as father, he has the obligation to maintain his sons till they attained majority. The petition is pending for 16 years. Therefore, his liability to maintain his sons would cease the moment his two sons would become adult.

The revisional application is bereft of any merit and is dismissed with the aforesaid observation.

Let a copy of the judgment be sent down to the trial court for information and necessary action.

Urgent photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

(Siddhartha Roy Chowdhury, J.)