HIGH COURT OF TRIPURA
AGARTALA
CRL.REV.P. NO.64 OF 2024

Kamal Kasim
Vs.
Babita Begam and anr.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Present:

For the Petitioner(s) : Mr. T.D. Majumder, Sr. Advocate.
Mr. T. Halam, Advocate.

For the Respondent(s) : Mr. R. Datta, P.P.
Mr. S. Ghosh, Addl.P.P.

07.10.2024

Order

Heard Mr. T.D. Majumder, learned Sr. counsel assisted by Mr. T. Halam, learned counsel appearing for the petitioner as well as Mr. R. Datta, learned counsel, and Mr. S. Ghosh, learned Addl. P.P., appearing for the State-respondent.

2. This present petition has been filed for quashing the Judgment and Order dated 21.08.2024 passed by the learned Addl. Sessions Judge, North Tripura in Criminal Appeal No.02 of 2024 confirming the Order of the learned Judicial Magistrate, 1st Class Dharmanagar, North Tripura dated 18.12.2023 in Case No.DOM 30 of 2022.

3. The case of the petitioner-husband is that, at the time of the marriage, both the petitioner and the respondent-spouse were minor and as such, the marriage is invalid. The petitioner further stated that there was no cohabitation between them and without any

prayer for maintenance, the learned Court below granted Rs.1000/- for household expenses and Rs.2,500/- for maintenance of respondent-spouse and their son. As such, learned Sr. counsel appearing for the petitioner prayed before this Court to quash the impugned Orders passed by the Courts below.

4. Heard and perused the evidence on record.

5. The petitioner herein has not proved to say that he and his spouse were minor at the time of marriage as such the marriage is invalid. However, it is seen from the record that the petitioner had lead a marital life with the respondent-spouse in Bangalore for few months and having cohabited, now, it is not open for him to say that he has not cohabited with her. It is also seen from the record that in result of the said cohabitation, the respondent-spouse herein has given birth to a child. The petitioner has not denied the marriage with his spouse and his relationship with their minor child. In fact, the petitioner has not taken any steps to deny his relationship with the minor child. So, obviously, it is settled principle of law that the respondent-spouse and his son are entitled to maintenance for their survival. As such, this Court finds no infirmities with the impugned orders passed by the Courts below and the same requires no interference. Hence the present revision petition stands dismissed and the impugned Orders as passed by the Courts below stands confirmed.

6. As a sequel, stay if any stands vacated. Pending application(s), if any also stands closed.

JUDGE

HIGH COURT OF TRIPURA

सत्यमेव जयते

Suhanjit

RAJKUMAR SUHANJIT SINGHA

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