

22.09.2025
Item No.4
Ct. No. 446
PG

CRR 109 of 2025
Rintu Singh
Vs.
The State of West Bengal & Anr.

Mr. Kushal Chatterjee
Mr. Subhankar Chandra RoyFor the Petitioner

1. Affidavit of service filed in Court today is taken on record.
2. From the affidavit of service, it appears that the notice, as was directed to be served was received in the month of August, 2025. The order dated 19th August, 2025 also reveals that despite the item was delivered on the last occasion in the month of March, a further direction was given to intimate the opposite party in order to enable her to be present before this Court.
3. However, none appears to represent the opposite party herein.
4. This revisional application has been filed challenging an order passed by the learned revisional Court on 25th April, 2024 in Criminal Revisional Case No. 209 of 2021, whereby an order dated 4th March, 2021 in M. Case No. 276 of 2020 passed by the Court of learned Judicial Magistrate, 4th Court, Barrackpore under section 125 of Cr.PC. ex parte has been affirmed.
5. It is the contention of the learned advocate representing the petitioner that the opposite party no. 2, while filing such application under section 125 of Cr.P.C. had noted the place of service of the petitioner at Haridwar, which is apparent in the petition itself but intentionally and with an ulterior motive,

mentioned the address of the present petitioner showing as a resident of 24-Parganas, North, P.S. –Jagaddal. Accordingly, notice was not received by the present petitioner and he was under complete dark about the final judgment passed by the learned Court of Magistrate.

6. Further, after being aware about the said order, this revisional application was filed by the present petitioner but due to some miscommunication from the learned advocate dealing with the case, nobody represented on the date of hearing as a result of which the revisional Court passed the judgment in absence of the present petitioner.
7. Therefore, it is submitted that at no point of time, the petitioner had any occasion to present his case on income and the amount of Rs. 30,000/- has been passed towards maintenance to be paid by the petitioner.
8. It is further submitted that the petitioner is at present without any such work and it is beyond his capacity to pay such huge maintenance when he never had any right of audience.
9. It is further submitted that the income, as mentioned in the petition is Rs. 1,00,000/- per month when in the order itself, the amount was mentioned as Rs. 28,900/- and the amount of maintenance was granted as Rs. 30,000/- per month.
10. It is his specific case that because of the specific intimation given by the present opposite party no. 2 to the embassy, visa was not granted and he lost his job and that is apparent from page 61 of the petition.
11. Therefore, in view of the facts and circumstances and more particularly since the specific averment was there in the body

of the petition that the petitioner is residing at Haridwar for the purpose of his service and the notice was sent to his address at 24-Parganas, North, this Court was of the view that the matter is required to be heard.

12. Since nobody turns up to represent the opposite party no. 2, this matter is to be taken up in absence of the opposite party no.2.
13. On careful perusal of the order passed by the revisional Court, it transpires that though the petitioner was not present, order was passed to dismiss the revisional application . Later on, judgment was delivered by the learned Court without entering into this aspect of the matter as to whether the notice was served upon the petitioner or not or whether the revisionist did not have a right of audience.
14. It further appears that the judgment was passed by the learned Judicial Magistrate, 4th Court, Barrackpore on 4th March, 2021 without calling for affidavit of asset in terms of the decision of the Hon'ble Supreme Court in Rajnesh v. Neha : (2021) 2 SCC 314.
15. That apart, it is glaring that in the order itself, as passed by the learned Magistrate, that the opposite party no. 2 filed the pay-slip of her husband, which showed the income of Rs. 28,900/- per month for the month of June, 2018 and subsequently, it was alleged that he was working as Senior Executive and Engineer at Haridwar and earns Rs. 1,00,000/- per month. To that extent, no satisfaction was recorded regarding the veracity of the document furnished by the wife/opposite party no.2.

16. It further transpires from the order impugned, whereby the learned Magistrate proceeded to hear the matter ex parte by virtue of the order dated 8th February, 2021 where it was only stated that postal track report was filed but no satisfaction was recorded as to whether service was effected or not and the matter was heard ex parte.
17. Therefore, in view of the entire facts and circumstances, it can be seen that the present petitioner was not given any opportunity of hearing and the order was passed ex parte.
18. However, this Court also did not appreciate the conduct of the petitioner because despite filing the revisional application, he did not turn up on the next date of hearing.
19. Be that as it may, since there is a serious discrepancy regarding the amount of income earned by the present petitioner and the quantum of the maintenance, which has been passed, this Court is of the view that the matter is required to be heard and decided by the learned trial Court.
20. Hence in view of the facts and circumstances, this Court is of the view that the petitioner must be given an opportunity of hearing and the revisional application is to be heard afresh.
21. In view of the above, the order passed by the learned revisional court is hereby set aside.
22. The petitioner is directed to pay the monthly maintenance as passed by the learned Court to the extent of Rs. 20,000/- (Rs. 10,000/- + Rs. 10,000/-) per month in respect of the wife and the minor child until further order instead of Rs. 30,000/- for the present till further adjudication over the issue.

- 23.The petitioner is directed to pay the current amount of maintenance positively within 10th of each month.
- 24.Petitioner is further directed to pay Rs. 50,000/- towards the arrear maintenance accrued from the date of the order passed by the learned revisional Court. Further an amount of Rs. 50,000/- to be deposited by 31st December, 2025 positively. The learned court is directed to hear the revisional application afresh after giving opportunity of hearing to both the parties without being influenced with any of the order passed by this Court regarding quantum of maintenance, if any, made.
- 25.The learned court will dispose of the revisional application before the ensuing Winter Vacation of 2025.
- 26.The learned Court while disposing of the revisional application will pass appropriate direction regarding payment of arrear amount after adjusting the amount already paid by the petitioner.
- 27.It is made clear that since the revisional court will decide the matter, this Court refrains from making any observation on merit regarding entitlement of the amount towards maintenance.
- 28.In view of the above, this revisional application is disposed of.
- 29.All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Chaitali Chatterjee (Das), J.)