

09-09-2025

S. Das
Item no. 53
Ct no.23

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 135 of 2015

Chandana Mondal

Vs.

Niroj @ Niranjan Kumar Mondal & Anr.

1. The instant Criminal Revisional application has been filed by the petitioner challenging the legality, propriety and correctness of the judgment and order dated 19-11-2014 passed by the learned Additional District and Sessions Judge, 3rd Court, Malda in Criminal Revision No. 8 of 2013.
2. By the said judgment and order, the Learned Sessions Judge reversed the impugned judgment and order dated 12.12.2012 passed by the learned Judicial Magistrate, 1st Court, Malda in Case No. 995(M) of 2000 whereby allowed the wife/petitioner's application under Section 125 of the Code of Criminal Procedure and thereby directing the husband/opposite party no. 1 to pay a sum of Rs.1500/- per month as maintenance to the wife from the date of the order i.e. on and from 12.12.2012.
3. None appears for the petitioner. Almost 13 years have already been passed. Even on earlier occasions, none represented the parties.

4. Considering the nature of prayer and the long pendency of this Revisional application, this court would prefer to dispose of this Revisional application on merits on the basis of the materials available in the case records.
5. The trial court had disposed of the application filed under Section 125 of the Code of Criminal Procedure filed by the wife on contest on 12.12.2012 directing the husband/opposite party no. 1 to pay maintenance as aforesaid to the petitioner/wife.
6. The said order was challenged before the learned Sessions Judge by way of Revisional application being No. 8 of 2013 by the opposite party no. 1. After hearing both the parties, the learned Sessions Judge set aside the order passed by the learned judicial Magistrate on the ground that the petitioner fails to prove that she is the legally married wife. The petitioner has failed to discharge her onus to prove that she is a legally married wife of the opposite party no. 1. Actually, she is the wife of Naresh Ch. Mondal, a full-blood brother of O.P. No. 1 and the petitioner is boudi (sister-in-law) of O.P. No. 1. Therefore, there is no liability of the opposite party no. 1 to pay the maintenance as she is not entitled.
7. Details facts and well-reasons have been found in the impugned judgment as such, this Court does not

want to repeat the same.

8. Therefore, this Court does not find any illegality or incorrectness or impropriety of the said order.
9. Consequentially, the Revisional application being **CRR 135 of 2015** is **dismissed**.
10. Connected applications, if any, are also, thus, disposed of.
11. Interim order, if any, stands vacated.
12. Let a copy of this order be communicated to the Ld. Court below for information.
13. All parties shall act in terms of the copy of this order downloaded from the officer website of this court.

[Ajay Kumar Gupta, J]