

In The High Court at Calcutta
Criminal Revisional Jurisdiction
Appellate Side

Coram:

The Hon'ble Justice Jay Sengupta

CRR 1604 of 2025

Ranjeet Kumar Choubey

Vs.

State of West Bengal & Anr.

For the petitioner : Mr. Sukanta Ghosh
Mr. Saikat Debnath

For the Opposite party : Mr. Chiranjib Sinha
Mr. Dyutiman Banerjee

Heard on : 08.07.2025

Judgment on : 08.07.2025

Jay Sengupta, J.:- This is an application challenging the impugned order dated 17th March, 2023 passed by the learned Judicial Magistrate 7th Court, Asansol, Paschim Bardhaman, in Misc. Case No. 28 of 2020.

Affidavit of service filed on behalf of the petitioner is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The opposite party no. 2 was granted interim maintenance to the tune of Rs.15,000/- out of which Rs.8000/- for the wife and Rs.7000/- was for the minor child. In the meantime, the petitioner came to know that opposite party had married elsewhere. There are photographs and a copy of a temple document regarding the same. He filed an application under Section 127 of the Code and produced those documents. But, the Magistrate failed to lay any credence on the same. In fact, the petitioner has also filed a criminal proceeding alleging bigamy against the private opposite party.

Learned counsel appearing for the wife/opposite party submits as follows. It is vehemently denied that the opposite party has got married again. There are dues to the tune of Rs.6.5 Lakhs as arrears of unpaid interim maintenance allowance and execution case is pending over the same. Some proceedings were started by the petitioner in order to avoid payment of his dues. The documents relied upon are absolutely inconsequential and proves nothing.

First, it does not appear that the petitioner had filed a civil suit praying for divorce although, he has allegedly initiated a proceeding for bigamy.

Be that as it may, the photographs in question as appended in the petition or the alleged temple document do not *per se* prove any marriage.

However, the petitioner shall be at liberty to prove any second marriage of the opposite party either in a civil proceeding or even in the main proceeding under Section 125 of the Code of Criminal Procedure in accordance with law. Therefore, I do not find any illegality in the impugned order, especially in the manner in which the issue of those photographs and temple document were handle.

In view of the above, I do not find any merit in this application. As such the revisional application is dismissed albeit, without any order as to costs.

The learned Trial Court is requested to conclude the proceeding under Section 125 of the Code in accordance with law and as expeditiously as possible, preferably within a period of eight months from the date of communication of this order.

The parties shall be at liberty to take up all points that are available to them. The Trial Court shall not be swayed by any observation made by this Court, which were meant only for deciding the present revisional application.

With the aforesaid observations, the revisional application is dismissed.

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)