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sg **2025**

Ct. No.
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C.R.R. 2557 of 2018

Bablu Khan alias Sarifuddin Khan
Vs.
Jaynar Bibi & Anr.

1. The instant Revisional Application (CRR No. 2557 of 2018) is called for final adjudication. The Office Report confirms a procedural history marked by extraordinary neglect and contumacy on the part of the Petitioner.
2. When the matter is called, the Court noted that none appears to represent the Petitioner, nor any prayer for accommodation is advanced. The record reflects that the Petitioner was last represented on March 12, 2019, when a mandatory direction was issued to file an Affidavit of Service upon the Opposite Parties. A period of nearly seven years has since elapsed, and this fundamental command of the Court remains uncomplied with. The Petitioner has not never appeared since then.
3. This sustained, deliberate failure to adhere to the basic dictates of this Court, resulting in the inordinate delay in disposal, cannot be countenanced. Recognizing this long absence, the Department was directed to serve an administrative notice upon the parties *vide* Order dated 28th November, 2024. The Office Report confirms due service, yet the parties remain absent.
4. The Petitioner's conduct constitutes contemptuous disregard for the judicial process. The administration of justice cannot be held hostage to the mere indifference of contesting parties.

For the sake of the ends of justice and to secure a final quietus to this long-pending *lis*, this Court is constrained to exercise its revisional jurisdiction and dispose of the matter based solely on the materials available on the record.

5. The Application assails the Judgment dated August 28, 2015, of the Learned Additional Sessions Judge, which enhanced the maintenance under Section 125 Cr.P.C. to Rs. 5,500/- per month.
6. The Petitioner's initial defense—a denial of identity and paternity—was conclusively negated by concurrent findings below, resting on his own Vakalatnama (*Sarfuddin Khan alias Bablu Khan*) and the conclusive proof of paternity established by the minor daughter's Birth Certificate (Ext-1). There is no discernible illegality or impropriety in the finding of liability.
7. Regarding the quantum, the Petitioner's claim of earning a paltry Rs. 500/- to Rs. 600/- per month was rightly rejected as inherently preposterous and below minimum wage standards. The enhanced award of Rs. 5,500/- per month is eminently just and proportionate, reflecting the Petitioner's estimated earning capacity as an Electric Contractor. It is a settled legal principle that a subsequent moral or legal obligation cannot be invoked to absolve or minimize the paramount, statutory duty under Section 125 Cr.P.C.
8. This Court finds that the Learned Additional Sessions Judge committed no error of law or manifest irregularity. The Revisional Application is wholly and utterly devoid of merit.

Intervention of this court is not necessary.

9. Accordingly, it is, ORDERED as follows:

- a) The Criminal Revisional Application, CRR 2557 of 2018, is hereby dismissed on merits with immediate effect.
- b) The Judgment and Order dated 28th August, 2015, passed in Criminal Motion No. 59 of 2010, directing the Petitioner to pay a total maintenance allowance of Rs. 5,500/- (Rupees Five Thousand and Five Hundred only) per month, stands confirmed in its entirety.
- c) The Petitioner is directed to forthwith clear all arrears of maintenance, if any, and shall continue paying the confirmed allowance on or before the 15th day of each succeeding English calendar month.
- d) Any interim order previously passed in this application stands automatically vacated.
- e) The Department is directed to send a copy of this Judgment along with the Lower Court Records to the Learned Additional Sessions Judge, FTC, 1st Court, Diamond Harbour, for immediate and necessary compliance.

10. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(Uday Kumar, J.)

