

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

Present:

The Hon'ble Justice Md. Shabbar Rashidi

C.R.R. 3551 of 2025

Debidas Mahato
-vs-
Shrabanti Mahato.

For the Petitioners : Mr. Abhra Mukherjee
Mr. Sauradeep Dutta,
Mr. Swakshar Kumar Mondal
Mr. Himadree Ghosh

Heard on : 18.09.2025

Judgment on : 18.09.2025

Md. Shabbar Rashidi, J.:

1. This revisional application has been filed challenging the order dated May 5, 2025 passed by 1st Additional Sessions Judge, Purulia in Criminal Revision No. 7 of 2023.
2. The private opposite party herein filed an application under Section 125 of the Code of Civil Procedure as against the present petitioner for Maintenance of the

minor son of the petitioner. The said proceedings being Misc. Case No. 204 of 2019 under Section 125 of the Code of Criminal Procedure was disposed of by learned Magistrate on December 16, 2024. The said order was challenged by the petitioner in Criminal Revision No. 7 of 2023 which was disposed of by the impugned order.

3. At the time of hearing learned advocate for the petitioner submits that the learned revisional Court did not take direction that the son of the petitioner for whom the maintenance was allowed, had attained majority. By the revision application being CRR 7 of 2023 the Additional Sessions Judge modified the order passed in the original application under Section 125 of the Code of Criminal Procedure.. The amount of maintenance ordered to be paid @ Rs. 8000/- per month was modified to Rs. 7000/- per month.
4. In the impugned order it was noted by learned revisional Court that “since this was settled between the parties, unless it can be shown that the Law is that the Husband is not required to pay maintenance to a son who had attained majority, the said maintenance order cannot be recalled by this Court.”

5. At the time of hearing the petitioner refers to the provisions of Section 125 of the Code of Criminal Procedure which prescribes that maintenance for son is limited to his attaining the age of majority. It has been submitted that the son of the petitioner has already attained majority and as such the petitioner is not liable to pay maintenance to his son.
6. In the facts and circumstances of this case, apparently the impugned order appears to have been passed by consent given by both the parties.
7. Learned advocate for the petitioner submits that he never gave such consent. Moreover, according to the learned advocate, the law governing field i.e. Section 125 of the Code of Criminal Procedure prescribes age for maintenance.
8. Learned advocate for the petitioner also submits that he has not preferred any application under Section 127 of the Code of Criminal Procedure for variation or alteration in the original order of maintenance.
9. In such circumstances since the provisions contained under Section 125 Cr.P.C. prescribes the entitlement of son to maintenance from his parents only to the extent of

his minority. He has been alleged to have attained the age of majority.

10. In such circumstances the impugned order is hereby set aside.
11. The petitioner is at liberty to avail his remedies before the appropriate forum.
12. With these observations this revisional application being CRR 3551 of 2025 is disposed of.
13. Urgent photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all usual requisite formalities.

(Md. Shabbar Rashidi, J.)

PM