

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

21.02.2025
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**C.R.R. No. 3909 of 2024
with
CRAN 1 of 2024**

In Re : An application under Section 528 of the BNSS.
And
In Re : Abhishek Bagaria petitioner

Ms. Sanghamitra Mridha
..... for the petitioner

In Re : CRAN 1 of 2024

1. Having considered the averments made in the application for condonation of delay and being satisfied with explanation we condone the delay.

2. Accordingly, CRAN 1 of 2024 is disposed of.

In Re : CRR 3909 of 2024

3. Order dated 07.02.2024 directing the petitioner to pay Rs.20,000/- each to the twin sons from date of filing application has been assailed. Petitioner is the married husband of the opposite party. From the wedlock three children that is a daughter and twin sons, were born. While daughter is studying in a reputed girls school viz. La Martiniere for Girls, twin sons are studying in La Martiniere School for Boys.

4. Alleging that she was subjected to physical and mental torture by the petitioner and in-laws, opposite party withdrew from the matrimonial home and are residing with the

two minor sons. Petitioner is a businessman and has annual notional income running two crores. He has no dependants apart from his wife and children.

5. In the maintenance proceeding petitioner filed written objection and contended that his mother was suffering from Cancer. Opposite party/wife also comes from a reputed business family and has substantial income of her own.

6. Learned Magistrate after considering the materials on record noted that the income tax returns of the parties show opposite party/wife is earning more than the petitioner/husband. Magistrate also noted that the petitioner is paying the educational expenses of the twin sons. After considering these facts the learned Magistrate directed for payment of maintenance allowance at the rate of Rs.20,000/- each to the twin sons from the date of filing of the petition.

7. Learned Counsel assails the order on the ground that her client is paying the educational expenses of the twin sons. He is also taking care of the minor daughter who is in his custody. Opposite party/wife has substantial income and the maintenance allowance was unwarranted.

8. I have considered the issues raised at the Bar. Petitioner is the father of the two minor sons. He is a reputed businessman and has substantial income. It is true his wife/opposite party also has income. In view of his opulent socio-economic status it is expected the petitioner's two minor children would be brought up commensurate to such status. Though petitioner is paying the educational expenses, other

expenses of the minor children particularly food, clothing, medical and recreational expenses also need to be addressed. Contention that the opposite party/wife has income is not a ground to disentitle the children from maintenance from their father.

9. In this backdrop direction to pay maintenance at the rate of Rs.20,000/- each per month to the twin sons from the date of application appear to be reasonable and does not call for interference.

10. Accordingly, application is dismissed.

11. Urgent photostat certified copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Joymalya Bagchi, J.)