

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

Present:

The Hon'ble Justice Jay Sengupta

C.R.R. 427 of 2025

CRAN 1 of 2025

Partha Pratim Barman

-vs-

State of West Bengal & another.

For the Petitioner	: Mr. Niladri Sekhar Ghosh Mr. Samrat Paul Mrs. Sanchayita De Mrs. Kakali Naskar
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For the opposite party	: Mr. Pawan Kr. Gupta : Ms. Sofia Nesar Mr. Santanu Sett
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Heard on	: 06.05.2025
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Judgment on	: 06.05.2025
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Jay Sengupta, J.:

This is an application challenging an order passed by the learned Appellate Court on 24.11.2022 thereby affirming grant of Rs.45,000/- as monetary relief in favour of the wife for herself and for the minor child under Section 29 of the Protection of Women from

Domestic Violence Act.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner used to have a transport business. Since 2022, the business has stopped. The petitioner is now earning only about Rs. 30,000/- per month. Initially a sum of Rs. 75,000/- was granted as interim monthly monetary relief in favour of the wife and child in 2019. This was scaled down to Rs. 45,000/- in 2020 by the learned Session Judge. In 2021, this Court scaled it down further Rs. 15,000/- per month and remanded the matter to the Appellate Court. In spite of this, the learned Appellate Court directed payment of Rs. 45,000/- as monetary relief in favour of the wife and the child. The learned Court failed to properly appreciate the grounds taken up on behalf of the husband. The petitioner and the minor daughter are still staying at the flat whose EMIs are being paid by the petitioner. A warrant of arrest has now been issued against the petitioner.

Learned counsel appearing on behalf of the opposite party wife denies the allegations and submits as follows. The interim order of maintenance was scaled down to Rs. 15,000/- by this Court. It was submitted on behalf of the petitioner that he was paying the EMIs for the shared household in which the wife and the minor daughter were staying. However, the petitioner deliberately stopped paying the EMIs since 2019. A SARFAESI Act proceeding has been initiated and the last EMIs was paid in the year 2019. A SARFAESI Act proceeding is

continuing. The interim order granted in favour of the petitioner/husband therein has not been continued. As would be evident from the revision petition, the husband possesses not less than four numbers of oil tankers. He has several other assets pertaining his business. The petitioner has not disclosed all these in his affidavit of assets.

I have heard the learned counsels for the parties and have perused the revisional application.

First, it appears that this Court while deciding the issue of interim monetary relief, this Court had scaled down the same to Rs. 15,000/- per month and left it open to the Appellate Court to decide the issue afresh. The wife's contention is that there a submission was made on behalf of the husband petitioner that he was paying the EMIs for the share household. However, from available records, it does not appear that the opposite party husband is paying such EMIs.

The petitioner owned certain assets including vehicles and was having a transport business at some point. There is no material advanced on behalf of the opposite party to show that the transport business has ceased.

In fact, it appeared that the petitioner husband had exercised extreme thrift in disclosing facts about his present income. He cannot be permitted to take advantage of the same. The petitioner is

quite able and is duty bound to maintain his wife and minor child.

There is a clear finding arrived at by the appellate Court that the income was sufficient to have a luxurious life.

The wife and child have to be maintained quite in keeping with the lifestyle that they would have enjoyed had they been able to live with the petitioner.

Moreover, the learned Appellate Court has passed a reasoned order after assessing the capacity of the petitioner to earn and their living standards.

Therefore, I find no reason to interfere with the impugned order.

Accordingly, the revisional application is dismissed.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)