GAHC010203492025

2026:GAU-AS:1465

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.Pet./1136/2025

SANTANU BHATTACHARYA
SON OF LATE BIMALENDU BHATTACHARYA
RESIDENT OF KASTURBA NAGAR,
SOUTH SARANIA, ULUBARI,
P.S. PALTAN BAZAR, P.O. ULUBARI, DIST. KAMRUP, ASSAM, PIN-781007

VERSUS

ANUDITA RAHA AND ANR
W/O SRI SANTANU BHATTACHARYA
RESIDENT OF PRASHANTI, HOUSE NO. 23, ANANDA NAGAR, P.S. JALUKBARI, P.O. PANDU, DIST. KAMRUP (M), ASSAM, PIN-781012.

2:THE STATE OF ASSAM
REPRESENTED BY THE LEARNED PP
ASSA

Advocate for the Petitioner : MR P KATAKI, MR. A ROY,MR. U. DUTTA,MRS R BEGUM

Advocate for the Respondent : PP, ASSAM, MS. M K BROWN (LEGAL AID COUNSEL FOR R-1)

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 05-02-2026

(M. Zothankhuma, J)

Heard Mr. P. Kataki, learned counsel for the petitioner/husband and Ms. M.K.

Brown, learned Legal Aid Counsel for the respondent No.1/wife.

2. This application under Section 528 BNSS, 2023 read with Section 19(4) of the Family Courts Act, 1984 has been filed by the petitioner/husband against the impugned judgment and order dated 31.08.2023 and order dated 03.05.2025 passed by the learned Principal Judge, Family Court No.3, Kamrup (M), Guwahati in F.C. (Crl.) No.331/2020.

3. By the impugned judgment and order dated 31.08.2023, the learned Family Court has granted interim maintenance amount of Rs.6,000/- per month to the respondent wife. The said impugned judgment and order dated 31.08.2023 had been put to challenge after 13 months and the same was dismissed vide the impugned order dated 03.05.2025.

4. The petitioner's counsel submits that the petitioner does not have any job at present and his only income is Rs.20,000/- and had left his earlier job, where he was earning Rs.60,000/- per month. Rs.10,000/- being rent derived from his 1BHK flat located at Azara, Guwahati and the remaining Rs.10,000/- from other sources. He submits that in view of the income of the petitioner being only Rs.20,000/- per month, it is difficult for the petitioner to pay Rs.6,000/- per month to the respondent wife. He also submits that the petitioner is living in his mother's house, which is an Assam Type house located at Ulubari, Guwahati. As his mother has got a hip bone fracture, the petitioner has been looking after her since 2019. He submits that the petitioner is willing to pay Rs.5,000/- per month as interim maintenance as on date.

5. Ms. M.K. Brown, learned Legal Aid Counsel for the respondent No.1/wife, on the other hand, submits that the respondent wife was employed with a

private company at a salary of Rs.15,000/- per month and not Rs.30,000/-, as can be made out from the Letters of Appointment dated 01.04.2023 and 02.12.2024 issued by Bimal Auto Agency. She submits that the respondent has to look after her mother, who is undergoing surgery and treatment. She submits that the petitioner is earning Rs.60,000/- per month as per the written objection filed by the petitioner before the learned Family Court and as such, the impugned orders should not be interfered with.

6. We have heard the learned counsels for the parties.

7. Para 11 of the written objection submitted by the petitioner in F.C. (Crl.) No.331/2020 states that the petitioner works at Reliance Jio Infocom and draws a monthly salary of Rs.60,000/- per month. The same is also reflected in the impugned judgment and order dated 31.08.2023, passed by the learned Family Court, where it is recorded that the appellant had claimed his monthly salary to be Rs.60,000/- per month. With regard to whether the respondent wife was earning Rs.15,000/- per month, the Letter of Appointment dated 01.04.2023 issued by Bimal Auto Agency shows that the respondent wife and her team were to be paid Rs.30,000/- per month based on the work assigned to the team. The subsequent letter dated 02.12.2024 issued to the respondent wife by Bimal Auto Agency states that the petitioner would be paid Rs.15,000/- per month. As such, it is quite apparent that the respondent wife's salary is Rs.15,000/- per month.

8. The affidavit showing the details of assets and liabilities of the petitioner which had been submitted before the learned Family Court shows that the petitioner has stated that his monthly income is Rs.20,000/-. Rs.10,000/- is rental income and remaining Rs.10,000/- is from other sources.

9. On a consideration of the case, but without making any observation as to whether the submissions of the counsels are true or not with regard to their income and employment status, we are of the view that the interim maintenance amount may be reduced to Rs.5,000/- per month, as prayed for by the learned counsel for the petitioner. However, as we have been informed that the petitioner has not paid 12 months of arrear interim maintenance amounting to Rs.72,000/- in terms of the impugned judgment and order dated 31.08.2023, the petitioner shall pay the arrear amount of interim maintenance @Rs.6,000/- per month, within a period of 1 (one) month from today, failing which, interest @8% per annum will be payable on the entire 12 months arrear amount till final payment of the entire amount. The modified interim monthly maintenance of Rs.5,000/- will be paid from the month of March, 2026 till further orders and all the prior interim maintenance till February, 2026 will be @Rs.6,000/- per month.

10. The criminal petition is accordingly disposed of.

JUDGE **JUDGE**

Comparing Assistant