01.10.2026
Sl.No. 16
Ct. 39
Amalranjan

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

CRR/529/2026
BADRUL BASAR @ SABUJ
VS
STATE OF WEST BENGAL AND ANR

Mr. Manas Kumar Das
Mr. Tushar Sil

...for the petitioner

1. The petitioner/husband has preferred this Revisional application challenging the judgment and order dated 28.11.2025 passed by learned Additional District and Sessions Judge, 1st Court, Suri, Birbhum, in Criminal Appeal no. 23 of 2024 affirming the order of interim maintenance passed under Section 20 of Protection of Women from Domestic Violence Act, 2005.

2. By the said judgment and order, the Trial Court has granted a sum of Rs. 4,000/- as interim maintenance to be paid every month from the date of filing of the application dated 09.08.2023.

3. Learned counsel appearing on behalf of the petitioner submits that she is not at all entitled any maintenance from the petitioner because after one month of her marriage, she left the matrimonial home voluntarily without realm and reason. She only informed the petitioner after leaving the matrimonial home. She also pronounced and written Talaknama to her husband on

31.05.2023, whereby the opposite party herself had dissolved the marriage by pronouncing talaq in accordance with Muslim personal law.

4. Having heard the learned counsel and considering the facts and circumstances of the case and on perusal of the judgment and order passed by both the courts, this court finds that the claim of the petitioner is that he is a labour showing his income as Rs. 6,000/- per month. He is unable to maintain if the amount would not be reduced from Rs. 4,000/- to Rs. 3,000/-.

5. This court is unable to believe and be satisfied that a labour can only earn Rs. 6,000/- in a month. Now-a-days a labour can at least earn Rs. 500/- to Rs. 600/- per day when he is able bodied person. There is no dispute that he is not able bodied person. Furthermore, it is moral and statutory obligation of the husband to maintain his wife until she remarries and/or has her own income to maintain her.

6. In view of the above facts and circumstances of the case, this court is of the view that both courts committed no error in passing such orders, the same calls for no interference.

7. However, the Trial Court is directed to expedite the proceeding filed under Section 20 of Protection of Women from Domestic Violence Act, 2005 as expeditiously as possible and decide the same independently and in accordance with law, without being

influenced by any observation whatsoever, made by this court in this order.

8. With above observations, **CRR 529 of 2026** stands disposed of.

9. Consequently, the connected application, if any, stands disposed of.

10. Interim order, if any, stands vacated.

11. Let a copy of this order be communicated to the learned court below forthwith.

12. All parties shall act in terms of the copy of this order downloaded from the official website of this court.

13. Concerned Department is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Ajay Kumar Gupta, J.)