

07.04.2026

Sl. no. 47

Ct. No. 42

P.M.

CRR 1984 OF 2025
Ajabul Haque
- Vs -
The State of West Bengal & Anr.

Ms. Shabana Hasin,
Ms. Samima Aktar
... for the petitioner
Mr. Abdur Rakib,
Mr. Wasim Reza
... for opposite party No. 2

1. The criminal revision No. 15 of 2020 was filed by the opposite party/wife challenging therein that the ground of maintenance of sum of Rs. 4,000/- in favour of the wife and Rs. 5,000/- in favour of the minor child was inadequate and the same has been passed by the learned Judicial Magistrate without any application of mind.
2. The Criminal revision No. 91 of 2021 was filed by the petitioner/husband challenging therein that the learned Magistrate passed the order of maintenance ex-parte without giving an opportunity of being heard to the petitioner/husband.
3. Both the petitions were disposed of by the learned Additional Sessions Judge by remanding the matter back to the learned Judicial Magistrate with a direction to dispose of the matter within six months.
4. Aggrieved of both the orders petitioner/husband has invoked jurisdiction of this court.

5. Learned counsel for the petitioner/husband has submitted that the grant of maintenance by the learned Trial Court in favour of the opposite party/wife is totally contrary to the materials on record.
6. Learned counsel submits that the opposite party/wife is gainfully employed as a teacher and she is withdrawing a handsome income. Learned counsel therefore, submits that the court in the revisional jurisdiction may set aside the order of the learned Judicial Magistrate and the learned Sessions Judge.
7. Learned counsel for the opposite party has vehemently refuted the averments. Learned counsel submits that the husband is drawing more salary than the wife. It has further been submitted that the maintenance awarded is not being paid by the husband.
8. The court has considered the submissions that it is a settled proposition. The revisional jurisdiction though wide but has to be exercised in due circumspection. The Court can exercise the revisional jurisdiction only if there is an illegality or impropriety in the impugned order.

9. At the outset this court do not find any such illegality or impropriety. Learned Sessions Judge in the exercise of his discretion has remanded the matter back to the learned Trial Court with a direction to dispose of the matter within six months. However, unfortunately learned Trial Court did not dispose of the matter and the same is still pending.
10. This court do not find any ground to interfere in the order. Hence, the court reaffirms the order of learned Sessions Judge for disposal of the M.R. Case No. 263 of 2017 within a period of six months from the date of this order without any fail. Learned Judicial Magistrate is directed to send the compliance report to this court. Registry shall place the compliance report before this court.
11. However, it is made clear that this Court has not gone into the merits of the case and no expression made herein shall tantamount to be in expression on the merits of the case.
12. This petition stands 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.

(Dinesh Kumar Sharma, J.)