

14.05.2026

Sl. No.06.

D/L.

Mithun.

Ct.No.29.

CRR/2105/2025

Arjun Kumar Giri

Vs.

The State of West Bengal & Anr.

Mr. Aniruddha Bhattacharyya,
Mr. Debayan Ghosh,
Ms. Anushka Bose

...for the petitioners

Mr. Shayak Chakraborty

...for opposite party no.2

In this application the petitioner has challenged the order dated 10th June, 2024 passed by learned Additional Sessions Judge, Fast Track Court-III, Barrackpore by which the Court below awarded maintenance to the tune of Rs.20,000/- per month from the date of filing of the application under Section 125 of the Cr.P.C.

It is submitted that the petitioner made a prayer for maintenance before the Trial Court who by an order dated 13th October, 2023 observed that the summons of the proceeding was duly served upon the opposite party through Postal Service and the same being endorsed "delivered to addressee". However, after hearing the petitioner/wife only, the Court refused to grant maintenance to the wife on the ground mentioned in the order.

Being aggrieved by the aforesaid order, the petitioner/wife preferred revisional application before the Additional Sessions Judge, Fast Track Court-III, Barrackpore being Criminal Revision No.636 of 2023 who considered the fact that the husband is an able bodied person and is the Director of Wealth Gain Solution

Private Limited wherefrom he earns Rs.12,00,000/- per annum and, accordingly, the revisional Court awarded maintenance of Rs.20,000/- per month to the revisionist/wife under Section 125 Cr.P.C.

Being aggrieved by the aforesaid order of the revisional Court, learned Counsel for the petitioner submits that petitioner was never informed about the pendency of the maintenance application or the revisional application and without hearing the petitioner/ husband and without giving him any opportunity to file affidavit of assets and liabilities, the amount of maintenance was awarded to the wife/revisionist. He further submits that he filed affidavit of assets and liabilities in terms of order dated 28th October, 2025 by way of supplementary affidavit.

From the supplementary affidavit filed on behalf of the petitioner/husband dated 11th July, 2025, it appears from the Income Tax Return that the total annual income of the husband for the Assessment year 2020-21 was Rs.13, 86,840/-. By way of filing supplementary affidavit dated 10th November, 2025 petitioner has disclosed that his total annual income has been substantially reduced for the Assessment year 2025-26 to the tune of Rs.3,04,750/- per annum. He further submits that the Company has winded up and, therefore, his income has substantially reduced. Therefore, he submits that though he is not denying the liability of maintenance to his legally wedded wife but the maintenance amount awarded by the Court below should be

substantially altered in terms of the alleged changed circumstances.

Learned Counsel appearing on behalf of the opposite party submits that the order impugned is justified and does not call for any interference by this High Court.

Having heard learned Counsel for the petitioner and the opposite party, the instant application being CRR 2105 of 2025 is hereby disposed of by giving liberty to the petitioner to make appropriate application before the appropriate forum seeking addition and/ or alteration of the maintenance amount in view of alleged changed circumstances and in the event of filing such application, the appropriate forum will dispose of such prayer in accordance with law as expeditiously as possible.

I have made it clear that I have not gone into the merit of the application and the appropriate forum will dispose of petitioner's prayer in accordance with law without being influenced by any observation made herein.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Dr. Ajoy Kumar Mukherjee, J.)