

CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction

Before:

The Hon'ble Mr. Justice Jay Sengupta

C.R.R. 420 of 2024

Bapi Barman
Vs.
The State of West Bengal and others

For the Petitioner : Ms. Esha Acharya
Mr. Sampad Das
Mr. Rimik Chakraborty

Last heard on : 18.03.2026

Judgement delivered on : 18.03.2026

Jay Sengupta, J. :

This is an application challenging an order dated 18.07.2023 passed by the learned Judicial Magistrate, 2nd Court, Alipurduar in MR Case No.177 of 2022 under Section 125 of Cr.P.C.

Learned counsel for the petitioner submits that the petitioner is the husband of the opposite party No.2 and the father of the opposite party No.3. As was recorded before the learned Magistrate, the petitioner earns salary of Rs.39,000/-. Yet, a sum of Rs.10,000/- has been awarded as interim maintenance for the minor child. As both the petitioner/husband and the opposite party No.2/wife are Railway employees, the maintenance for the child needs to be apportioned between them.

It appears that the son is about 12 years old. It is true that duty of maintaining the school-going child is cast upon the parents, especially if both are working. However, even it is found that the maintenance allowance for the child is to be borne by both the working parents as per their respective means, a payment of maintenance of Rs.10,000/- per month by the father for the minor child cannot be termed as excessive in the context of the present price indices and the fact that the petitioner is employed with the Railways.

Moreover, the orders passed by the learned Magistrate as well as the learned revisional court are very well-reasoned.

Therefore, I do not find any reason to interfere with the same.

Accordingly, the revisional application is dismissed, however, without any order as to costs.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)