

**Criminal Revision**  
**Present: The Hon'ble Justice Ashim Kumar Roy**

**Judgment On : 05-05-2010.**

*C.R.R. No. 2234 of 2009*

*With*  
*CRAN No. 24 of 2010*

*Arnab Chatterjee*  
*versus*  
*State of West Bengal & Anr.*

**Point-**

MAINTENANCE: -Husband neglected to maintain the wife- Granting of maintenance @ Rs.1500/- per month whether excessive-Code of Criminal Procedure,1973 , S125

**Facts:**

The wife alleged that after she being dropped at her parents home in spite of repeated requests she was not taken back by her husband. She has no mean to maintain herself and now living at the mercy of her parents and the petitioner/husband in spite of sufficient means neither took any information about her nor maintained her. Husband alleged that the wife/opposite party has left her matrimonial home on the plea of looking after her ailing father but in spite of repeated requests she never returned. Learned Sessions Court awarded maintenance to the wife/opposite party @ Rs. 1,500/- per month

**Held:**

The husband has not been able to establish that in spite of his attempt the wife has not returned to her matrimonial home. Moreover, the husband had also not been able to prove that wife has sufficient means to maintain herself or that he had been taking care to maintain the wife/opposite

party. In such circumstances, awarding maintenance to the wife/opposite party @ Rs. 1,500/- per month is not too excessive in these hard days.

**Para-4**

For Petitioner : Mr. Amitava Ghosh  
Mr. Tapan Kr. Dey  
Mr. Navojit Mukherjee  
Ms. Anindita Kahali

For O.P. No. 2 : Mr. Kamalesh Bhattacharjee

**The Court:**

This criminal revision is directed against an order passed by a Sessions Court in a criminal revision reversing an order passed by the Trial Court in connection with a proceeding under Section 125 of the Code of Criminal Procedure, whereby the said Court rejected the opposite party/wife's prayer for maintenance.

2. Heard the learned advocate appearing on behalf of the parties. Perused the orders of the Court belows.

3. In the case at hand, the marriage has not been disputed. However, according to the wife/opposite party that after she being dropped at her parents home in spite of repeated requests she was not taken back by her husband. It was her further case she has no mean to maintain herself and now living at the mercy of her parents and the petitioner/husband in spite of sufficient means neither took any information about her nor maintained her. Whereas it is the case of the husband that the wife/opposite party has left her matrimonial home on the plea of looking after her ailing father but in spite of repeated requests she never returned. It was the further case of the husband that there was no evidence that he refused to maintain her.

4. It was never disputed that the petitioner/husband has dropped the wife/opposite party at her parents home for looking after her ailing father. While it was the case of the wife she was not taken back by her husband, it was the case of the husband that she refused to return to her matrimonial home. Having gone through the materials on record I find that the husband has not been able to establish that in spite of his attempt the wife has not returned to her matrimonial home. Moreover, the husband had also not been able to prove that wife has sufficient means to maintain herself or that he had been taking care to maintain the wife/opposite party. In such circumstances, I do not find any mistake in the order passed by the Learned Sessions Court awarding maintenance to the wife/opposite party. In my opinion, the amount of maintenance @ Rs. 1,500/- per month is not too excessive in these hard days, accordingly I am not inclined to interfere with the same also.

5. This criminal revision has no merit and accordingly stands dismissed.

6. In view of the dismissal of main criminal revisional application, the application being CRAN No. 24 of 2010 accordingly stands dismissed.

7. Criminal Section is directed to deliver urgent Photostat certified copy of this Judgement to the parties, if applied for, as early as possible.

*( Ashim Kumar Roy, J. )*