

IN THE COURT OF SESSIONS JUDGE, GOALPARA

Criminal Revision (C.M.) Case No. 42 of 2018

Present: **Sri T.K.Bhattacharjee, A.J.S**
Sessions Judge,
Goalpara.

Safiyar Ali Revisionist.

-Versus-

Meherjan Begum O.P.

Appearance:

For the Revisionist: Mr. A.K. Ghosh., Ld. Advocate.

For the O.P.: None.

Date of Judgment: 15-06-2019

J U D G M E N T

1. This revision has been preferred u/s 397/399 of the Cr.P.C. by the revisionist Safiyar Ali against the order dated 05.06.18 that was passed u/s 125 of the Cr.P.C. by the Ld. CJM, Goalpara in connection with MCR Case No. 176/15 vide which the Ld. Court below granted maintenance of Rs.3,000/- to the opposite party of the instant revision petition.

2. The brief facts of the case is that the opposite party namely Smti. Meherjan Begum, as the 1st party, filed an application before the Ld. Chief Judicial Magistrate, Goalpara u/s 125 of the Cr.P.C. with a prayer for granting maintenance @ Rs 20,000/- per month for herself and for her 3 minor children and thereafter, the MCR Case No. 176/15 was registered and

transferred to the court of Ld. Addl. CJM, Goalpara and subsequently, the case again transferred to the court of Ld. JM 1st Class and thereafter, it was taken back to the file of Ld. CJM, Goalpara who was pleased to pass an order on 05.06.18 in favour of the 1st party after hearing and directed the revisionist to pay a monthly maintenance allowance of Rs. 1,000/- (Rupees One thousand) only to the 1st party Smti. Meherjan Begum (O.P. of this case) and Rs. 1,000/- each to the 2 minor children as maintenance i.e. Rs. 3,000/- in total to the 1st Party.

3. Being highly aggrieved and dissatisfied with the aforesaid order dated 05.06.18 the present revision had been preferred on the grounds set forth in the memo of the revision. However, the revisionist side remained absent during the hearing and also failed to serve the notice upon the O.P. but in view of sec 403 of the Cr.P.C. it is not felt necessary to hear the parties in this context. I have perused the LCR that had been received in this context in order to determine the following:-

Point for determination:

4. Whether the impugned order dated 05.06.18 passed by the Ld. Lower court suffers from any impropriety, illegality etc. and is sustainable in law or requires any interference by this Court?

Discussion, Decision & Reasons:

5. On perusal of the entire materials available before me and also the impugned order dated 05.06.18, it is found that before passing the impugned order the Ld. Lower Court was pleased to give an opportunity of hearing to both the parties who had adduced evidence in support of their respective pleas and thereafter, granted the maintenance allowance in accordance with the provisions of section 125 of Cr.P.C. It may be mentioned in this context that the amount to be awarded as maintenance is the exclusive discretion of the Magistrate and further, the law is well settled that strict proof is not

required in such cases and moreover, the Ld. court below was pleased to discuss the entire evidence adduced by the parties thoroughly and thereafter came to the finding and awarded the maintenance as mentioned above which also appears to be very reasonable under the facts and circumstances of the case and taking into consideration all the aspects, I am of the opinion that the impugned order dated 05.06.18 is not required to be interfered with by this court in any manner whatsoever.

6. In view of the above, the revision petition is found to be without any merit and accordingly the order dated 05.06.18 of the Ld. Trial court directing the respondent/revisionist namely, Safiyar Ali to pay maintenance to his wife at the rate of Rs. 3,000/- only per month is hereby upheld. However, no costs are imposed.

7. As a result, this revision petition stands dismissed but without any costs.

8. Send back the LCR with a copy of this judgment to the Ld. Lower court for appropriate action.

Given under my hand and the seal of this court on this the 15th day of June/19.

(T.K.Bhattacharjee)
Sessions Judge,
Goalpara.

Dictated & corrected by me:

Sessions Judge,
Goalpara.