

Abdul Samod Vs. Sona Bibi

Abdul Samod Vs. Sona Bibi

SooperKanoon Citation : sooperkanoon.com/125839

Court : Guwahati

Decided On : Aug-08-1989

Judge : S.K. Homchaudhuri, J.

Acts : [Code of Criminal Procedure \(CrPC\) , 1973](#) - Sections 125

Appeal No. : Criminal Revision No. 66 of 1983

Appellant : Abdul Samod

Respondent : Sona Bibi

Advocate for Def. : A.B. Choudhury, Adv.

Advocate for Pet/Ap. : C.R. De, Adv.

Disposition : Petition dismissed

Prior history : S.K. Homchaudhuri, J. 1. This revision petition is directed against the order dated 12-1-83 passed by the learned Sessions Judge, Cachar, Silchar in Criminal Motion No. 52(3)/80 awarding maintenance to the Opp. Party (wife) by the petitioner (husband) at the rate of Rs. 50/- per month from the date of filing of the application. 2. The opposite party approached the Court of the learned Additional Chief Judicial Magistrate, Karimganj in C.R. Case No. 19-M/80 for maintenance Under Section 125 Cr

Judgement :

S.K. Homchaudhuri, J.

1. This revision petition is directed against the order dated 12-1-83 passed by the learned Sessions Judge, Cachar, Silchar in Criminal Motion No. 52(3)/80 awarding maintenance to the Opp. Party (wife) by the petitioner (husband) at the rate of Rs. 50/- per month from the date of filing of the application.
2. The opposite party approached the Court of the learned Additional Chief Judicial Magistrate, Karimganj in C.R. Case No. 19-M/80 for maintenance Under Section 125 Cr.P.C. which was dismissed by the learned Additional Chief Judicial Magistrate by judgment and order dtd. 29-7-80. The opposite party being aggrieved filed Criminal Motion No. 52(3)/80 in the Court of the learned Sessions Judge, Cachar. The learned Sessions Judge reversed the finding of the learned Additional Chief Judicial Magistrate and awarded maintenance at the rate of Rs. 50/- per month to the opposite party (wife) Under Section 125 Cr. P.C. The petitioner feeling aggrieved by the judgment and order of the learned Sessions Judge approached this Court in the present revision application.
3. Mr. C.R. De, learned counsel for the petitioner submits that the finding of the learned Sessions Judge is not a finding in the eye of law inasmuch as not based on evidences on record, and that in proper appreciation the learned Sessions Judge ought to have affirm the finding of the learned Additional Chief Judicial Magistrate.
4. I have heard Mr. A.B. Choudhury, learned counsel for the opposite party. The learned counsel for the opposite party submits that this Court may not interfere with the findings of the learned Sessions Judge particularly on the question of maintenance at the rate of Rs. 50/- per month to a neglected wife by her husband.
5. I have gone through the impugned judgment and other materials on records and considered the arguments put forward by the learned counsels for the parties, although there is no force in the argument advanced by the petitioner. However, for the interest of social justice, I feel that the impugned order may not be interfered in the exercise of revisional jurisdiction. Therefore, the petition is rejected.

6. The learned counsel for the petitioner submits that the petitioner is a cultivator and he may not be able to pay the arrear maintenance at a time, so he may be allowed to pay the arrear by instalments along with the current maintenance. It is directed that the petitioner shall pay maintenance at the rate of Rs. 50/- per month from August, 1989, and shall pay the arrear maintenance at the rate of Rs. 250/- per month regularly till the arrear is cleared.

7. With the above observation, the petition is rejected.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com