12.10.2026
Serial no. 08
[Srimanta]
Ct. No. - 39

IA No.:CRAN/3/2026
in
CRR/2020/2009

In re : An Application under 401 read with Section 482 of the Code of Criminal Procedure, 1973

-And-

In the matter of : NABIN CHANDRA DEB

… … Petitioner.

Mr. Shubha Dey

…For the petitioner.

Mr. Ivan Roy

…For the opposite party

Re : CRAN/3/2026

1. CRAN/3/2026 is an application for restoration of an order dated 24.07.2026 passed by this Court thereby dismissed the criminal revision for default. The learned Counsel appearing on behalf of the petitioner referred the averment made in paragraph no. 3 of the said CRAN application. Upon perusal of the said averment, this Court satisfies that the cause shown by the petitioner is sufficient and accepted.
2. Accordingly, **CRAN/3/2026** is **allowed** and **CRR/2020/2009** is restored to its original file and number.

Re: CRR/2020/2009

3. Having heard the submission of the learned Counsels for the parties, this Court finds that the case has been pending

since 2009 and by filing this revisional application, the petitioner being the husband challenged the impugned order dated 30.03.2009 passed by the learned Additional Sessions Judge, 3rd Court, Hooghly in Criminal Revision No. 231/2008 arising out of an order dated 04.10.2008 passed by the learned ACJM, Chandernagore, Hooghly thereby dismissing Misc. Case No. 112/2007 filed by the petitioner's wife praying for payment of maintenance allowance under Section 125 of the Code of Criminal Procedure.

4. After hearing the respective parties, the learned Additional Sessions Judge, 3rd Court, Hooghly allowed maintenance to the tune of Rs.2,000/- per month and the same may be paid by the husband to the wife from 1st April, 2009 and same may be payable before 10th of each succeeding month. Subsequently, a Co-ordinate Bench of this Court while admitting the revisional application, directed the petitioner to continue paying Rs.1600/- per month to the wife/opposite party as her maintenance from the month of July, 2009 and must be sent to her by 7th of the succeeding month. The learned Counsel appearing on behalf of the opposite party submits, there is a huge amount of arrears pending and the petitioner is not even paying the said amount regularly.

5. Considering the nature of prayer and long pendency of this case, this Court prefers to dispose of this revisional

application setting aside the judgment passed by the learned Additional Sessions Judge, 3rd Court, Chandernagore, Hooghly vide order dated 30.03.2009, subject to payment of Rs.1600/- as fixed by the Co-ordinate Bench till final disposal of the application filed under Section 125 of the Code of Criminal Procedure.

6. The Trial Court is requested to dispose of the proceeding being Misc. Case No. 112/2007 filed by the opposite party praying for payment of maintenance allowance under Section 125 of the Code of Criminal Procedure afresh after giving full opportunity to the parties and also asking for filing their affidavits of assets and liabilities in view of the judgment passed by the Hon'ble Supreme Court in the case of ***Rajnesh –Vs.- Neha*** reported in ***(2021) 2 SCC 324***.
7. With the above observation, **CRR/2020/2009** is disposed of. Connected applications, if any, stand disposed of.
8. Interim order, if any, stands vacated.
9. Let a copy of this order be communicated to the learned Trial Court for its disposal as early as possible without granting unnecessary adjournment to the parties.
10. This Court hopes and trusts that the Trial Court shall dispose of the application as expeditiously as possible considering the legislative intent to dispose of maintenance case as earliest.

11. All parties shall act in terms of the copy of this order duly downloaded from the official website of this Hon’ble High Court.

(Ajay Kumar Gupta, J.)