

**HIGH COURT OF TRIPURA  
AGARTALA**

**Crl.Rev.P.No.19 of 2026**

Smt. Nandita Das,  
W/O- Sri Dibakar Debnath,  
C/O-Sri Samir Das,  
R/O- Gandhi Ghat, Near Vivekananda Beyamagar,  
Town Bordowali, Agartala,  
P.O.- Agartala, P.S.- West Agartala,  
District- West Tripura, Pin-799001, Aged about 34 years.

---- Petitioner(s)

Versus

Sri Dibakar Debnath,  
S/O- Sri Nepal Debnath,  
R/O- Ramnagar Road No.9.  
P.O.- Agartala, P.S.- West Agartala,  
District- West Tripura, Pin-799002, Aged about-43 years.

----Respondent(s)

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For Petitioner(s)	:	Mr. Ankan Tilak Pal, Adv.
For Respondent(s)	:	Mr. Raju Datta, P.P.

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**HON'BLE MR. JUSTICE BISWAJIT PALIT**

**Order**

**09.03.2026**

This petition under Section 438 read with Section 442 of BNSS corresponding to Section 397 of Cr.P.C. read with Section 401 of Cr.P.C. is filed challenging the judgment and order dated 19.12.2025 passed by Learned Judge, Family Court, Agartala, West Tripura in Crl.Misc.(int.) 405 of 2025. By the said judgment and order, Learned Judge, Family Court, Agartala, West Tripura has awarded maintenance of Rs.14,000/- per month in favour of the petitioner-wife w.e.f. 07.07.2025.

Heard Learned Counsel, Mr. A. K. Pal appearing on behalf of the petitioner-wife. Learned P.P., Mr. R. Datta is present on behalf of the State.

At the time of hearing, Learned Counsel for the petitioner-wife submitted that the respondent-O.P. is able-bodied and is a Government servant earning more than Rs.90,000/- per month but the Learned Judge, Family Court has only awarded Rs.14,000/- per month as maintenance in favour of the petitioner-wife for which the petitioner has filed this petition for enhancement of the amount of maintenance awarded by the Learned Judge, Family Court.

Learned P.P. appearing on behalf of the State fairly submitted that the original proceeding bearing No.CrI.Misc.403 of 2025 is still pending for disposal and in a proceeding for maintenance under Section under Section 125 of Cr.P.C., there is scope for enhancement of maintenance allowance and since the main case is pending for disposal and the petitioner has got the ample scope for adducing her evidence to substantiate the income of the respondent-husband and as such by this petition there is no scope to invoke the jurisdiction of this Court for enhancement of the amount of maintenance. Furthermore, it was also submitted that in view of Section 397 of Cr.P.C. as well as Section 19(4) of the Family Courts Act, there is clear bar to file any revision petition against an interlocutory order. So, this present petition is not maintainable. Being asked, Learned Counsel for the petitioner submitted that there are series of judgments that against the order of interim maintenance, there is scope for filing revision petition as per law. So, this present petition is very much maintainable.

For the sake of convenience, let us reproduce herein below the relevant provision of Section 438 of BNSS which is corresponding to erstwhile provision of Section 397 of Cr.P.C:

**"438. Calling for records to exercise powers of revision.- (1) The High Court or any Sessions Judge may call for and examine the record of any proceeding before any inferior Criminal Court situate within its or his local jurisdiction for the purpose of satisfying itself or himself as to the correctness, legality or propriety of any finding, sentence or order, recorded or passed, and as to the regularity of any proceedings of such inferior Court, and may, when calling, for such record, direct that the execution of any sentence or order be suspended, and if the accused is in confinement that he be released on his own bond or bail bond pending the examination of the record.**

***Explanation.—All Magistrates, whether Executive or Judicial, and whether exercising original or appellate jurisdiction, shall be deemed to be inferior to the Sessions Judge for the purposes of this subsection and of section 439.***

**(2) The powers of revision conferred by subsection (1) shall not be exercised in relation to any interlocutory order passed in any appeal, inquiry, trial or other proceeding.**

**(3) If an application under this section has been made by any person either to the High Court or to the Sessions Judge, no further application by the same person shall be entertained by the other of them."**

From the aforesaid sub-Section 2 of Section 438, it appears that the powers of revision as conferred in sub-Section 1 of aforesaid Section shall not be exercised in relation to any interlocutory order.

Similarly, let us reproduce herein below the relevant provision of Section 19(4) of the Family Courts Act which provides as under:

**"19.(4) The High Court may, of its own motion or otherwise, call for and examine the record of any proceeding in which the Family Court situate within its jurisdiction passed an order under Chapter IX of the Code of Criminal Procedure, 1973 (2 of 1974) for the purpose of satisfying itself as to the correctness, legality or propriety of the order, not being an interlocutory order, and as to the regularity of such proceeding.]"**

From the aforesaid provision, further, it appears to this Court that the High Court of its own motion or otherwise call for

and examine the record of any proceeding in which the Family Court situates within its jurisdiction passed an order for the purpose of satisfying itself as to the correctness, legality or propriety of the order, but cannot exercise jurisdiction in respect of an interlocutory order. From the aforesaid provisions of law, it is crystal clear that in respect of interlocutory order, there is no scope to prefer any revision petition.

Here in this case at hand, by order dated 19.12.2025 the interim application which was numbered as Crl.Misc.(int.)405 of 2025 has been finally disposed of. But it is also the admitted position that the original proceeding bearing No.Crl.Misc.No.403 of 2025 is still pending for adjudication. From the order of the Learned Family Judge, it appears that in the order it has been specifically stated that the husband has admitted his gross salary Rs.83,957/- but no evidence was adduced before the Learned Judge, Family Court by either of the parties and the Learned Judge, Family Court without assigning any justified reasons, determined the interim maintenance at the rate of Rs.14,000/- per month w.e.f. 07.07.2025 and asked the respondent-husband to pay the same amount.

Challenging that order, the petitioner-wife has preferred this petition before this Court for enhancement of the amount of maintenance from Rs.14,000/- to Rs.30,000/-. As already stated the original case is still pending for adjudication. In the main proceeding there will be scope for the parties to adduce their evidence to substantiate the actual monthly income of the

respondent-husband to determine the amount of maintenance allowance by the Learned Judge, Family Court.

So, in absence of evidence on record this Court does not find any scope to pass any order for enhancement of the interim maintenance awarded by Learned Judge, Family Court by order dated 19.12.2025 till disposal of the original petition bearing No.Crl.Misc.No.403 of 2025 and as such this Court is not inclined to pass any order for enhancement of maintenance as prayed for by the petitioner-wife at this stage. Accordingly, the same stands rejected being devoid of merit. However, the petitioner is at liberty to adduce her evidence before the Learned Judge, Family Court to substantiate the monthly income of the respondent-husband accordingly. The Learned Judge, Family Court shall make all endeavour to dispose of the original petition bearing No.Crl.Misc.No.403 of 2025 within a period of six (6) months from the date of receipt of the copy of this order.

A copy of this order accordingly be communicated to the Learned Judge, Family Court, Agartala for information and compliance.

With this observation, this present petition stands disposed of.

**JUDGE**