

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 213 OF 2018  
[@ SPECIAL LEAVE PETITION (CRL.) NO. 7877 OF 2014]

PRATIMA DAS @ ARATI DAS

Appellant(s)

VERSUS

SUBUDH DAS

Respondent(s)

J U D G M E N T

KURIAN, J.

1. Leave granted.
2. The appellant approached this Court aggrieved by the Judgment dated 27.05.2014 passed by the High Court of Gauhati in Criminal Revision Petition No. 396 of 2013. The order in favour of the appellant under Section 125 Cr.P.C. granting maintenance at the rate of Rs.4000/- per month from the month of September, 2013, has been set aside, mainly on the ground that the appellant failed to prove that she was the wife of respondent - Subudh Das. According to the appellant, the respondent had fathered three children in her though the same was denied by the respondent.
3. Hence, by order dated 28.02.2017, we directed the parties to go for a DNA test. The report of the DNA has been forwarded to us. It is reported that the

respondent is the father of the three children born to the appellant.

4. In the above circumstances, we set aside the impugned order passed by the High Court and restore the order dated 04.09.2013 passed by the Sub-Divisional Judicial Magistrate, Hojai, Sankardev Nagar in M.R. Case no. 99 of 2008 filed under Section 125 Cr.P.C.

5. The arrears as on today shall be paid within a period of four months from today.

6. In view of the above, this appeal is disposed of.

.....J.  
[ KURIAN JOSEPH ]

.....J.  
[ MOHAN M. SHANTANAGOUDAR ]

New Delhi;  
February 01, 2018.

ITEM NO.9

COURT NO.5

SECTION II

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (Crl.) No. 7877 of 2014

PRATIMA DAS @ ARATI DAS

Appellant(s)

VERSUS

SUBUDH DAS

Respondent(s)

Date : 01-02-2018 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH  
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Appellant(s) Mr. Azim H. Laskar, Adv.  
Mr. Sachin Das, Adv.  
Mr. Amitabha Sinha, Adv.  
Mr. Aditya K. Archiya, Adv.  
Mr. Abhijit Sengupta, AOR

For Respondent(s) Mr. Manish Goswami, Adv.  
Mr. Rameshwar Prasad Goyal, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeal is disposed of in terms of the signed  
non-reportable Judgment.

Pending Interlocutory Applications, if any, stand disposed of.

(JAYANT KUMAR ARORA)  
COURT MASTER

(RENU DIWAN)  
ASSISTANT REGISTRAR

(Signed non-reportable Judgment is placed on the file)