

**HIGH COURT OF TRIPURA
AGARTALA**

Crl. Petn. No.35 of 2024

Sri Saikat Saha, 35 years old, S/o Sri Sankar Saha residing at Banamalipur,
P.O. Agartala, Pin-799001, West Tripura, PS- East Agartala

.....Petitioner (s);

Versus

Smt. Rupa Banik, W/o Sri Saikat Saha, Jogendra Nagar, Bidyasagar Pally,
Agartala, Tripura (West), Pin-799004

.....Respondent(s).

For Petitioner(s) : Mr. Chandrasekhar Sinha, Advocate.

For Respondent(s) : Mr. Debajit Biswas, Advocate.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

12/02/2025

Heard Mr. Chandrasekhar Sinha, learned counsel for the petitioner
and Mr. Debajit Biswas, learned counsel for the respondent-wife.

2. By the impugned order dated 08.08.2024, the learned Family Court, Agartala, West Tripura refused to stay the execution of the warrant of arrest against the petitioner in execution of the order of maintenance passed against the petitioner dated 10.03.2021 in Misc. Case No.515 of 2018. The respondent-wife and the minor child were awarded Rs.15,000/- per month (Rs.10,000/- for the wife and Rs.5,000/- for the minor child) with effect from 19.12.2018. The petitioner thereafter filed a divorce case being T.S. (Divorce) 435/2022 which is pending before the learned Family Court, Agartala, West Tripura. It is submitted that in the said case, an amendment petition has been filed to incorporate a new ground and relief for annulment of the marriage since the respondent-wife had suppressed the factum of her previous marriage at the time of incurring marriage with the present petitioner. However, it is not in dispute that the petitioner has not been paying maintenance as awarded in

Misc.Case No.515 of 2018 which led to issuance of warrant of arrest against him. Being aggrieved by the order dated 08.08.2024, petitioner is before this Court in the instant petition under Section 482 of the Cr.P.C.

3. During course of the proceedings on the previous date, learned counsel for the petitioner Mr. Sinha was asked to seek instruction as to whether the petitioner is ready to deposit an amount of Rs.2,00,000/- out of the arrear amount of Rs.3,58,932/- due on the date of filing of the execution petition as a condition for keeping the warrant of arrest in abeyance. On instruction, learned counsel for the petitioner submits that the petitioner is ready and willing to pay as a first installment Rs.1,50,000/- out of the outstanding amount as above for which sufficient time may be allowed.

4. Learned counsel for the respondent does not object to the condition of payment of an installment of Rs.1,50,000/- at the first instance towards execution of the order of maintenance.

5. In that view of the matter, the instant petition is disposed of on the basis of the undertaking of the petitioner to pay an amount of Rs.1,50,000/- as against the arrear amount of maintenance of Rs.3,58,932/- due on the date of the filing of the execution petition within a period of 4(four) weeks from today. If such payment is made within the aforesaid time, the learned Family Court would recall the warrant of arrest. On the contrary, if the petitioner fails to do so, the warrant of arrest shall be duly executed.

6. The instant petition is disposed of with the aforesaid observations and directions. Pending application(s), if any, shall stand disposed of.

(APARESH KUMAR SINGH), CJ



Pijush/

MUNNA SAHA Digitally signed by MUNNA SAHA
Date: 2025.02.13 16:26:45 +05'30'