

**18.09.2020**

Sl. No. 57

Srimanta/Mithun

**CRR No.3238/2019**

**(Via Video Conference)**

In Re: An application under Sections 397/401 read with Section 482 of the Code of Criminal Procedure, 1973 in connection with the order dated 11<sup>th</sup> September, 2019 passed by the learned Judicial Magistrate, 2<sup>nd</sup> Court, Serapore, Hooghly in Misc. Case No.400265 of 2017.

And

**In the matter of : Smt.Sumita Paine (in person)...** Petitioner

Mrs. Sumita Paine (in person) ... for the petitioner.

Mr. Arijit Ganguly, Adv,  
Mr. Sanjib Kumar Das, Adv.

... for the State

Affidavit-of-service filed in Court today be kept with the record.

The grievance of the petitioner who appears in person is that upon an application under Section 127(1) of the Code of Criminal Procedure which was registered as Misc. Case No.400265 of 2017 the learned Judicial Magistrate, 2<sup>nd</sup> Court at Serampore passed an order directing the opposite party to pay maintenance @ Rs.5,000/- per mensem to the petitioner with effect from the date of the said order.

However, the opposite party herein is still going on depositing maintenance allowance in the bank account of the petitioner at the old rate of Rs.4,000/- per month.

If the petitioner does not get full maintenance allowance from the opposite party as per order dated 11<sup>th</sup> September, 2019 passed by the learned Judicial Magistrate, 2<sup>nd</sup> Court at Serampore, her proper course of action is to file an application for execution for realization of the balance amount.

This Court has no jurisdiction to pass any order to satisfy the grievance of the petitioner.

However, the petitioner is at liberty to file appropriate execution case before the Court below.

The learned Judicial Magistrate, 2<sup>nd</sup> Court at Serampore will take all steps to dispose of the execution case expeditiously so that the petitioner can get the balance amount due to her from the opposite party.

The instant revision is, accordingly, dismissed.

**( Bibek Chaudhuri, J. )**