

05.11.2020
SKB(D/L 9)

C.R.R. 1580 of 2020
(Via Video Conference)

In the matter of: Sudip Debnath ... petitioner

Mr. Pratick Chandra Das
... for the petitioner.

The instant revisional application has been filed by the opposite party/husband of Misc. Case No.549 of 2016 filed by his wife under Section 125 of the Code of Criminal Procedure.

The wife/opposite party herein filed an application under Section 125 of the Code of Criminal Procedure which was registered as Misc. Case No.549 of 2016 and an *ex parte* order of maintenance was passed by the learned Judicial Magistrate, 6th Court, Howrah on 1st November, 2017. The said order directing the present petitioner to pay maintenance was, however, not complied with and warrant of arrest was issued against him.

It is contended by the petitioner that at the relevant point of time, he used to live in Dubai and the fact of filing of the application under Section 125 of the Code of Criminal Procedure was unknown to him. The petitioner subsequently filed a revisional application before this court and direction was issued to pay the maintenance allowance for which execution was pending.

Subsequently the petitioner filed CRR No.319 of 2019. The said application was disposed of directing the petitioner

to satisfy the award in the execution case pending before the Executive Court by depositing all the rest of the sum in three equal instalments. The said order has not been complied with. On the contrary, the petitioner is now praying for an order directing the trial court for setting aside the *ex parte* order of maintenance.

The instant revision is disposed of by directing the petitioner to comply with the order passed in CRR 319 of 2019 first in its true letter and spirit and then only his application for setting aside the *ex parte* order passed in Misc. Case. No.549 of 2016 shall be taken up by the learned trial court.

(Bibek Chaudhuri, J.)