

23.07.2021
Item no.12
Ct. No.34
CHC

C.R.R. No.562 of 2011

(Via Video Conference)

In Re: An application under Section 401 of the Code of Criminal procedure read with Section 482 of the Code of Criminal Procedure, 1973.

AND

In the matter of:-

Balaram Bag

... petitioner

The present revisional application was preferred in connection with order dated 27.12.2010, passed by the learned Judicial Magistrate, 5th Court, Howrah, in Misc.Execution Case No.39 of 2010, arising out of Misc. Case No.335 of 2009.

Records reflect that the learned Magistrate in an application under Section 125 of the Code of Criminal Procedure was pleased to award ad interim maintenance of Rs.1200/- per month. The amount being unpaid, the wife approached for invoking the jurisdiction of the learned Magistrate for execution of the order for recovery of arrears.

Surprisingly, the petitioner before this Court happens to be the father of the husband who claims that he is harassed because of the order of the execution case. To that extent, the petitioner has enclosed the notice issued by the court on 27.12.2010 fixing 21.02.2011 for paying arrear sum of Rs.8,400/-.

I do not find any reason to interfere with the order so passed in the proceedings relating to execution, as the father of the husband has got nothing to do and is circumventing the proceeding pending before the learned Magistrate. As Such C.R.R.562 of 2011 is dismissed.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby vacated.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)