

24.05.2021.

Item No. 8

ap

**C.R.R. No. 1308 of 2021
(via video conference)**

In Re: An application under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973 filed on 17.05.2021.

AND

In the matter of: **Sukumar Das.** ...Petitioner

Mr. Gourab Ghosh. ...For the petitioner

The instant revisional application has been filed challenging Order No.4 dated 7th April, 2021 passed by the Court of the learned Sessions Judge, Alipore, South 24 Parganas in Criminal Revision Case No. 19 of 2021.

The said revisional application was filed against the order of maintenance passed by the learned Judicial Magistrate, 1st Class, 9th Court, Alipore, South 24 Parganas under Section 125 of the Code of Criminal Procedure. By the said order dated 2nd March, 2020 the learned Magistrate had directed payment of Rs.2,000/- per month in favour of the opposite party no.2 herein.

The petitioner claims that the learned Sessions Judge, Alipore, South 24 Parganas should have stayed the execution proceeding against the petitioner as part of the order dated 12th May, 2021.

This Court notes that the said order dated 7th April, 2021 is in the nature of an interim order and has been passed subject to final hearing of the Criminal Revision Case No. 19 of 2021.

Admittedly, the petitioner has not even complied with the said order dated 7th April, 2021 and is aggrieved by the fact that the execution proceeding of the first Court are continuing against him.

This Court is unable to countenance the stand of the petitioner. Not only has the petitioner violated the order dated 7th April, 2021 but the petitioner has also not paid any maintenance whatsoever to the opposite party no.2 herein.

The amount of arrears as on date are roughly calculated at Rs.2,60,000/-.

This Court is not inclined to interfere or pass any orders in favour of the petitioner as this Court does not find any infirmity in the impugned order.

In view of the above, the instant revisional application shall stand dismissed.

All parties are directed to act on a server copy of this order on usual undertakings.

(Rajasekhar Mantha, J.)