

Sr. 08
11-06-2021
Subha
ct, no.34

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE
(Via Video Conference)**

**CRR 1340 of 2021
with
CRAN 01 of 2021**

In Re : **Smt. Mahua Biswas** **petitioner.**

In the matter of : An application under Section 482 read with
Section 401 of the Code of Criminal Procedure.

Mr. Samir Paul
.....for the petitioner.

Learned advocate appearing on behalf of the
petitioner submits that in spite of the direction of
maintenance being passed by the learned Magistrate, the
opposite party no.2/husband till date did not pay a farthing.

Learned lawyer appearing for the petitioner draws
the attention of this court to the order dated 15th March,
2021 and submits that in spite of direction by the learned
Magistrate to pay 25% of the total claim of arrear
maintenance, till date the opposite party no.2/husband did
not pay and on 17th April, 2021 when the date was fixed,
there has been no progress or payment made by the opposite
party no.2/husband.

It is submitted that the wife/petitioner is presently sustaining at the mercy of the relations and others.

Records reflect that the learned Magistrate is in seisin of the issue and there is no grievance of the present petitioner so far as the merits of the case is concerned. However, learned lawyer for the petitioner submits that the husband/opposite party no.2 has been successfully evading the payment by adopting dilatory tactics on the dates fixed before the learned Magistrate.

In view of the such submissions and the fact that a huge amount is due, I direct the learned Magistrate that in case there is no compliance of the order dated 15th March, 2021, the learned Magistrate would exhaust harsher process of law thereby compelling the husband/opposite party no. 2 to comply with the order dated 15th March, 2021. The learned Magistrate, thereafter, would fix schedule of dates so that the quantum of maintenance so decided till date which has remain unchallenged should be recovered within a specified period of time.

With the aforesaid observations, *CRR 1340 of 2021* and the connected application thereto i.e., *CRAN 01 of 2021* are disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)