

CRR 1586 of 2021
(Via video conference)

In re : An application under Section 482 of the Code of Criminal Procedure, 1973.

In the matter of : Poulami Barua

..... Petitioner

Mr. Dhananjoy Banerjee

Ms. Oindrila Ghosh

.....for the Petitioner

The petitioner sought to execute the maintenance order dated June 22, 2021, passed by the learned Judicial Magistrate, 1st Court at Barrackpore under Section 125(3) of the Code of Criminal Procedure, 1973.

The learned Magistrate directed the opposite party to pay Rs. 20,000/- per month to the petitioner as maintenance from the date of filing of the case.

The petitioner sought to execute the order of maintenance by filing MEX Case No. 40 of 2020.

The learned Magistrate, in connection with the said case, issued a warrant of arrest against the opposite party, which was recalled by an order dated June 22, 2021, upon payment of Rs. One lakh to the petitioner by the opposite party.

The learned advocate for the petitioner submits that the learned Magistrate in the Court below was not justified in recalling the warrant upon payment of Rs.1 Lakh (Rupees One Lakh) only.

Needless to mention that the execution case is still pending and the execution of the proceeding has not been terminated because of such ad hoc payment to the petitioner.

The execution case will proceed further for realization of the remaining unpaid maintenance.

In that view of the matter, no interference is called for.

Accordingly, **CRR 1586 of 2021** is disposed of.

All parties are to act on the server copy of this order duly downloaded from the website of this court.

(Kausik Chanda, J.)