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July 16,
2021
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C.R.R. No.3292 of 2012

In Re : An application under Section 397 read with Section 401 and 482 of the Code of Criminal Procedure, 1973;

In the matter of : Sanjib Dey ...petitioner.

The present revisional application has been preferred against the order dated 24.07.2012 passed by the learned Additional Sessions Judge, Fast Track Court No.-II, Barasat, North -24 Parganas in Criminal Revision No.52 of 2012.

The genesis of the order relates to Misc. Execution Case No.88 of 2009 which was appearing before the learned Chief Judicial Magistrate, Barasat.

At the time of admission of the revisional application, there was a direction upon the petitioner to deposit a sum of Rs.1000/- towards arrear amount and to continue payment of maintenance of Rs.2,000/- per month by the 7th of the corresponding month to the opposite party no.1 with a rider clause that any default in payment would result in vacating the interim order.

Today when the matter is taken up, none appears for the petitioner to report compliance. Further, on perusal of the records I find that the quantum of maintenance as also arrear are due for a considerable period of more than eight years creating hardship to the opposite party no.1.

Having regard to the quantum of maintenance as also the arrears, which were meagre, I am of the view that no interference is

called for.

Accordingly, CRR 3292 of 2012 is dismissed.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby vacated.

The wife/opposite party no.1 will be at liberty to take out an appropriate application before the learned Chief Judicial Magistrate for recovery of arrears.

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

(Tirthankar Ghosh, J.)