

07.04.2022
S/L No.4
KS

C.R.R. 40 of 2015

Sri Sudipta Roy

-Vs.-

The State of West Bengal & Anr.

Mr. Pratick Bose

.....For the State

The matter is listed today for hearing and for submission of compliance report by the department. Report received from Assistant Registrar to the effect that notice was issued to the learned advocates for the petitioner and for opposite party no.2. But, no service return has been received from Learned Chief Judicial Magistrate, North 24 Parganas. The report is taken on record.

Perused the application filed by the husband/petitioner under Section 401/482 of the Code of Criminal Procedure, assailing order no.9 dated 30th October, 2014 passed by the Court of Learned Sessions Judge, North 24 Parganas in Criminal Motion No.70 of 2014 whereby the petitioner challenged the quantum of interim maintenance granted by the Court of Sessions which, in fact, has reduced the interim maintenance payable to the wife/opposite party no.2 from

Rs.5,000/- per month to Rs.3,500/- per month and to the minor child from Rs.2,000/- to Rs.1,000/-.

By the order dated 01.04.2015 this Court had stayed the warrant of arrest issued against the petitioner in connection with Misc. Execution Case No.15 of 2014 pending before Learned Additional Chief Judicial Magistrate, Bidhannagar for a period of eight weeks and directed the petitioner to deposit Rs.3,500/- per month as maintenance towards the wife and Rs.1,500/- in favour of the minor child before the 15th of succeeding month and the entire arrear of maintenance from 07.10.2013 within four weeks from the date of order, in default, the stay in respect of warrant of arrest would stand vacated.

The petitioner has not reported compliance of the order before this Court. Since there has been lapse of seven years without stay, the petition for maintenance may have been disposed of. Therefore challenging the order of interim maintenance has become infructuous.

Under such circumstances, the revisional application is dismissed.

Let a copy of this order be sent to the Court of Learned Sessions Judge, Barasat and another copy of Learned Additional Chief Judicial Magistrate, Bidhannagar for information.

(Ananda Kumar Mukherjee, J.)