

04.05.2022

(49)

(ap)

C.R.R. No. 1408 of 2022

Abdul Alim Mullick
Versus
Moslema Begum & Anr.

Re: An application under Section 401 read with Sections 397/482
of the Code of Criminal Procedure filed on 25.04.2022

Mr. Apurba Kumar Dutta,
Mr. Syed Mosihar Rahman.

...For the petitioner.

This is an application challenging an order dated 3rd March, 2022 passed by the learned Judicial Magistrate, 1st Court, Uluberia, Howrah in Misc. Execution Case No. 246 of 2016.

Learned counsel for the petitioners submits as follows. The opposite party nos.1 and 2 are the wife and the daughter of the present petitioner. An order of maintenance allowance under Section 125 of the Code was granted in favour of the wife for herself and for her child. However, arrears had fallen due for eight months which amounted Rs.32,000/-. Additionally a cost of Rs.3,000/- had been imposed. Therefore, the petitioner was liable to pay a total sum of Rs.35,000/- for which the wife started the instant execution case for recovery of maintenance allowance. First, distress warrant was issued and thereafter, a warrant of arrest was issued against the present petitioner in this regard. The petitioner is a 'Jari' worker and earned a paltry sum of money. However, he undertakes to pay a sum of Rs.20,000/- to the wife within ten days from date and the rest amount of Rs.15,000/- shall be paid within a period of five months from date in equal instalments along with regular maintenance

allowance. Subject to such payment, the warrant of arrest issued against the petitioner may be stayed.

I have heard the learned counsel appearing for the petitioner and perused the revision petition.

No prejudice will be caused to anyone if a direction is passed upon the petitioner to pay up the dues as per the reasonable schedule.

In view of the undertaking given by the petitioner, let warrant of arrest issued against the petitioner remain stayed in the meantime subject to the petitioner paying the opposite party a sum of Rs.20,000/- within ten days from date and the rest sum of Rs.15,000/- in five equal monthly instalments of Rs.3,000/- each within the first week of every succeeding month. This payment shall be made in addition to the regular sum of maintenance allowance payable to the wife and the daughter.

With the aforesaid observations, the instant revisional application is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertakings.

(Jay Sengupta, J.)

