

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

C.R.R. 1805 of 2022

**Rita Biswas
Vs.
The State of West Bengal & Anr.**

**For the petitioner : Ms. Soma Kar Ghosh, Adv.
Mr. Arabinda Pathak, Adv.**

Heard on : 01.08.2022

Judgment On : 01.08.2022.

Bibek Chaudhuri, J.

In the instant criminal revision, it is alleged by the petitioner that private opposite party No.2 being her husband is a habitual defaulter in payment of maintenance allowance in favour of her at the rate of Rs.3,000/- per month, the deviation being Rs.1,500/- for herself and rest of Rs.1,500/- for the minor daughter of the parties.

It would not be out of place to mention that upon an application under Section 125 of the Code of Criminal Procedure, Trial Court passed an order dated 30th January, 2018 directing the opposite party No.2, husband to pay maintenance at the rate of Rs.3,000/-

per month in favour of the petitioner for herself and her minor daughter. The opposite party, however, did not pay a single furthing till date. The petitioner was compelled to file numbers of execution cases. The opposite party did not appear in these execution cases. He successfully evaded notice of the execution cases and thereby depriving the petitioner from getting minimum maintenance allowance for her and her daughter sustenance.

The instant revision is disposed of directing the Executing Magistrate to ensure appearance of the opposite party within one month from the date of communication of the order, if necessary, taking assistance of the police authority. After appearance of the opposite party, the learned Magistrate shall dispose of the pending execution cases within one month from the date of appearance of the opposite party.

The petitioner is at liberty to communicate this order obtaining server copy of the same.

The instant revision, is, thus, **disposed of** with the above order.

(Bibek Chaudhuri, J.)

**Mithun De/
A.R. (Ct).
SI No.109.
D/L.**