

CRR 2583 of 2010

In the matter of : Raj Sekhar Chatterjee

Mr. N.P. Agarwala
Mr. Pratick Bose ... for the State

This criminal revision assails the order passed by the learned Second Court of Judicial Magistrate, Asansol, Burdwan in Misc. Execution Case No. 22 of 2010 filed by Smt. Mohua Chatterjee to realize the arrear maintenance from her husband.

None is found present on behalf of the petitioner.

The matter is pending since 12 years.

I do not find any reason to adjourn the matter *suo moto*

From the attending facts of the case, I find that Smt. Mohua Chatterjee the opposite party herein filed an application under Section 125 of the Code of Criminal Procedure seeking maintenance for herself which was considered and allowed by the learned Trial Court. A sum of Rs.3,000/- was awarded towards the maintenance of Smt. Mohua Chatterjee and a sum of Rs.2,000/- was awarded towards the maintenance of her minor son aggregating a sum of Rs.5,000/- a month. Smt. Chatterjee, filed an application under Section 128 of the Code of Criminal Procedure stating inter alia that her husband the opposite party did not comply with the order passed by the learned Magistrate. She prayed for necessary direction upon Sri Raj Sekhar Chatterjee to

pay the arrear maintenance due from 04.4.2009 to 31.01.2010. Learned Judicial Magistrate after considering the material on record found that the opposite party was liable to pay a sum of Rs.45,000/- towards the arrear maintenance and direction was given upon the opposite party to clear the dues by 20.08.2010.

Challenging the said order the opposite party Sri Raj Sekhar Chatterjee has preferred this application upon perusal of the order, I do not find anything to suggest that the learned Trial Court exceeded jurisdiction or committed any jurisdictional error while passing the order impugned.

The revisional application is devoid of merit and is dismissed with costs of Rs.10,000/-.

Copy of the order be sent down to the learned Trial Court for information and necessary action.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, upon completion of requisite formalities.

(Siddhartha Roy Chowdhury, J.)