

16.02.2023
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SB
Ct. No.236

CRR 1546 of 1997

In the matter of : Sri Madhab Barik

Mr. Milon Mukherjee
Mr. S. Sarkar ... for the petitioner

Mr. Pratip Kr. Chatterjee ... for the O.P.

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

This petition under consideration challenges the order dated 21.3.1997 when learned Judicial Magistrate, Diamond Harbour was pleased to issue warrant of arrest against the opposite party in Money Execution Case No. 4 of 1997 the said execution proceeding was initiated to realize the arrear maintenance granted to the petitioner / wife in case under Section 125 of Cr.P.C. by the learned Sub-Divisional Judicial Magistrate, Diamond Harbour in M 161 of 1988.

Petitioner, Sri Madhab Barik also challenged the order of the learned Judicial Magistrate, pronounced in the case being M 161 of 1988. Both the matters were clubbed together.

It appears that the Criminal Revision No. 1454 of 1997 was dismissed by a co-ordinate Bench dated 09.10.2018. The criminal revision being C.R.R. 1546 of 1997 however was overlooked due to inadvertence. The petitioner being the husband has the obligation to maintain his wife as well as to comply with the order of the Court. As he failed to do the same the warrant of arrest has

been issued and I am not inclined to interfere with the impugned order.

The criminal revision merits no consideration and, is thus, dismissed without any order as to costs.

The interim order, if any, stands vacated.

Let a copy of the order be sent down to the learned Trial Court for information and necessary action please.

(Siddhartha Roy Chowdhury, J.)