

Form J(1)

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

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

CRR 1864 of 2022

**Sima Ghosh
Vs.
Ashim Bose**

Ms. Sima Ghosh
...Petitioner (in person)

Mr. Sayak Majumder
..for the opposite party

Item No. 50.

Heard & Judgment on: 05.01.2023

Bibek Chaudhuri, J.

This is an application assailing an order dated 19th March, 2022 passed by the learned Chief Judicial Magistrate, North 24 Parganas at Barasat in Misc. Execution Case No.71 of 2016 arising out of Maintenance Case No.48 of 2009 under Section 125 of the Code of Criminal Procedure.

It is submitted by the petitioner in person that the said execution case was dismissed for default. Huge amount of arrear maintenance is lying due. Until and unless the said execution is restored, the petitioner will suffer irreparable loss and injury.

It is submitted by the learned advocate for the opposite party/husband, on the other hand, that in connection with Misc. Execution Case No.71 of 2016 the opposite party has complied with the Hon'ble Supreme Court's order passed in Criminal Appeal Nos. 161-162 of 2015 (SLP) (CRL) No.8083/8084 of 2014 and the order passed by the Hon'ble Supreme Court in Review Petition (CRL Nos. 327-328/2015 in CRLA Nos. 161-162 of 2015.

Thus, it is obvious from the submission made by the learned advocate for the opposite party/husband that the opposite party even did not care to comply with the Hon'ble Supreme Court's order in toto. Accordingly, Misc. Execution Case No.71 of 2016 is restored to its file.

It is submitted by the learned advocate for the opposite party that the opposite party has already paid the entire amount involved in the execution case and no amount is due in connection with Misc. Execution Case No.71 of 2016.

The learned Chief Judicial Magistrate, Barasat is directed to verify the stand taken on behalf of the opposite party from the record. If the entire amount for which execution case is filed is paid, the execution case shall be dropped.

The instant revision is, thus, disposed of.

(Bibek Chaudhuri, J.)