

Form J(1)

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

Present :

The Hon'ble Justice Bibek Chaudhuri

C.R.R. 1790 of 2023

Sk Sahajan Ali

Vs.

The State of West Bengal & Anr.

**For the petitioners : Md. Sabir Ahmed, Adv.
Md. Abdur Rakib, Adv.**

Heard on : 17.05.2023.

Judgment on : 17.05.2023.

Bibek Chaudhuri, J.

On perusal of the impugned orders, I do not find any illegality or material irregularity in the impugned orders. An order of interim monetary allowance is not a protection order for violation of which Section 31 of the PWDV Act may be invoked.

The Supreme Court in ***Rajnish Vs. Neha*** was pleased to formulate the following guidelines/directions regarding enforcement/execution of orders of maintenance. The direction of the Supreme Court was that an order or decree of maintenance may be enforced under Section 28(A) of the Hindu Marriage Act; Section

20(6) of the D.V. Act and Section 128 of the Code of Criminal Procedure as may be applicable.

In case of execution of interim maintenance, Section 128 of the Code of Criminal Procedure is applicable.

In view of the Hon'ble Supreme Court's guidelines, I am not in a position to admit the instant revision.

The revisional application is, thus, disposed of.

(Bibek Chaudhuri, J.)

***Mithun De/
A.R. (Ct).
SI No.40.
D/L.***