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ssd

CRLCP/11/2023
PRIYA BHATTACHARJEE
VS
LT. COL ARIJIT BHATTACHARJEE
in
CRR/238/2022
PRIYA BHATTCHARJEE
VS
LT. COL ARIJIT BHATTACHARJEE

Mr. Sarwar Jahan,
Mr. Sayantan Hazra
..for the Petitioner.

Mr. Debajyoti Deb,
Ms. Somdyuti Parekh
..for the alleged Contemnor.

The petitioner filed the instant application for contempt alleging non-compliance of the order of maintenance passed by this court against the opposite party in CRR 238 of 2022.

CRR 238 of 2022 arose challenging legality, validity and propriety of an order under Section 125 of the Code of Criminal Procedure wherein the trial court dismissed the application under Section 125 of the Cr.P.C. holding that the said application is not maintainable. The revisional application was filed against the said order passed by the trial court.

Considering the fact that the efficacious remedy available to the petitioner by filing an execution proceeding before the trial court, the instant contempt application is not maintainable.

The petitioner is at liberty to file appropriate application for execution of the order passed by this court dated 18th July, 2022.

It is submitted by the learned advocate for the alleged contemnor that the allegation made in the instant contempt

application is vehemently denied by the opposite party.

Let the said submission be recorded.

In view of the efficacious remedy available to the petitioner by filing an execution proceeding, the instant contempt application is dismissed being not maintainable.

(Bibek Chaudhuri, J.)