

08.09.2023

Item No.188

Ct.No.34

dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 2881 of 2023

In the matter of : **Ujjaval Vinod Saraf** ... Petitioner.

Mr. Francis Samson Correa,
Mr. Sunny Nandy,
Mr. S. K. Usuff,
Mr. Tamal Singha Roy,
Ms. Sneha Singh,
Mr. Rajat Singh,
Mr. Binoy Kumar Thakur ... For the Petitioner.

Mr. Dipanjan Datta ... For the Opposite Party No.2.

Learned advocate appearing for the petitioner submits that the petitioner has taken out an application under Section 127 of the Code of Criminal Procedure. Let the petitioner adduce his evidence in support of his contentions in the application under Section 127 of the Code of Criminal Procedure.

So far as the wife/opposite party no.2 is concerned, Mr. Datta, learned advocate appearing for the opposite party no.2 submits that the execution was filed for recovery of arrears to the tune of Rs.48.5 lakh and the application under Section 127 of the Code of Criminal Procedure was filed after the execution case was preferred.

It would not be out of place to state that there has been categorical observations regarding the quantum as has been decided both by the Hon'ble High Court as well as by the Hon'ble Supreme Court.

In case there are disputes regarding payment of the amount, the statement of the accounts be placed before the

concerned court and the concerned court would assess regarding the total quantum of dues so far as the execution case is concerned.

Let the date for execution case and the application under Section 127 of the Code of Criminal Procedure be fixed on one and the same date.

The learned trial court will take decision both regarding the manner in which the execution proceedings are to be taken to its logical conclusion for recovery of the amount. On the other hand, a decision would be taken by the learned trial court in respect of the subsequent changes which have been brought on record by the petitioner.

With the aforesaid observations, the revisional application being CRR 2881 of 2023 is disposed of.

Pending connected application, if any, is consequently disposed of.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)