

D/L24
10.10.2023
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C.R.R.3606 of 2023

In Re: An application under Section 483 read with Section 482 of the
Code of Criminal Procedure, 1973;

Kakoli Shaw @ Mandal
Versus
Akhilesh Shaw @ Aklesh Kumar Shaw

Mr. Pawan Kumar Gupta
Ms. Sofia Nesar
Mr. Santanu Sett.
...for the petitioner.

Mr. Gupta, learned advocate appearing for the petitioner submits that huge amount of arrears to the tune of Rs.31 lakhs have accumulated because of erratic payments being made by the husband/opposite party.

There was an earlier direction passed by this Court to fix at least a date once in every 45 days.

Learned trial court being the learned Judicial Magistrate, 1st Class, 5th Court, Howrah is directed to adhere to fix a schedule consisting of three dates and such schedule must be fixed once in every 45 days so that the trial of the case can be taken to its logical conclusion within a reasonable period of time. Learned Magistrate in view of the nature of accumulation of the arrears would fix equal monthly instalments so that the whole of the arrears are liquidated within a reasonable period of time. In case, the regular payments are not made, the learned trial court would exhaust harsher process of law for compelling the opposite party to comply with the order so

passed.

The case was initiated in the year 2016 and almost 7 years have passed. The trial of the case must be taken to its logical conclusion along with the execution case within a reasonable period of time. Learned Magistrate would be sincere in fixing the schedule, as directed above and conclude the execution case at the earliest.

With the aforesaid observations, CRR 3606 of 2023 is disposed of.

Pending application, if any, is consequently disposed of.

All 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 of all requisite formalities.

(Tirthankar Ghosh, J.)