

Form J(1)

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

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

C.R.R. 3976 of 2022

***Barun Ghosh
Vs.
The State of West Bengal & Anr.***

**For the petitioner : Mr. Imtiaz Ahmed, Adv.
Mrs. Ghazala Firdaus, Adv.
Mr. Mofakkarul Islam, Adv.
Mr. Sk. Saidullah, Adv.
Mr. Mithun Mondal, Adv.
Mr. Shibasish Banerjee, Adv.**

Heard on : 02.01.2023

Judgment On : 02.01.2023.

Bibek Chaudhuri, J.

In the instant revision, the petitioner/husband has assailed maintenance of Misc. Execution Case No. 24 of 2021 arising out of an order passed on an application under Section 125 of the Code of Criminal Procedure directing the petitioner to pay monthly maintenance allowance at the rate of Rs.3,000/- per month in favour of the private opposite party.

It is also ascertained from the materials on record that warrant of arrest has been issued against the present petitioner.

The learned Advocate for the petitioner draws my attention of an order dated 17th December, 2021 passed by the learned Judicial Magistrate, 2nd Court at Arambagh. On perusal of which it is ascertained that Misc. Execution Case No.24 of 2021 was registered for realization of a sum of Rs.36,000/- being the arrear maintenance for 12 months.

The instant revision is disposed of subject to the conditions that the petitioner shall either deposit or pay to the private opposite party a sum of Rs.24,000/- within 15 days from the date of this order.

On such payment being made by the petitioner, the learned Magistrate shall consider as to whether warrant of arrest issued against him should be recalled or not.

With the above order nothing remains in the instant revision and the same is disposed of.

(Bibek Chaudhuri, J.)

**Mithun De/
A.R. (Ct).
SI No.16.
M/L.**