

D/L234
16.10.2023
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C.R.R.4008 of 2023

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

Jayati Choudhuri
Versus
Swapan Choudhuri and another

Mr. Shyamal Kr. Mukherjee
Mr. Arun Kumar Chakraborty.
...for the petitioner.

The revisional application has been preferred for expediting recovery of the arrears arising out of M. Execution Case No.512 of 2022 pending before the learned Judicial Magistrate, 9th Court, Alipore in connection with AC Case No.2169 of 2021.

It has been submitted that the learned trial court was pleased to award interim monetary relief to the extent of Rs.12,000/- per month for the child and Rs.8,000/- per month to the wife, aggregating to a sum of Rs.20,000/- per month. The said amount has accumulated for non-payment to the tune of Rs.2,40,000/- to Rs.2,60,000/- as submitted by the learned advocated appearing for the petitioner.

Having regard to the purpose for which the Act was brought into force and there is a child who requires monetary relief for upbringing, the learned Judicial Magistrate, 9th Court, Alipore is directed to see that the accumulated arrears till date should be reimbursed by the opposite party no.1, namely, Swapan Choudhuri by two equal instalments, preferably by 31st January, 2024. To that extent, if there is a failure on the part of the opposite party no.1, the

learned court would exhaust the provisions of law as has been specifically stated in the Act. As a measure of payment, the learned court would insist that first of such instalment be paid by 31st October, 2023.

With the aforesaid observations, CRR 4008 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.)