

29-12-2023  
K.B/s.d  
Item no. 10  
Ct no. 3

*IN THE HIGH COURT AT CALCUTTA*  
*Criminal Revisional Jurisdiction*  
**CRR 5027 of 2023**

***Istak Ahmed and ors.***  
**-versus-**  
***Zeba Sultana.***

Mr. Ranjit Kumar Roy  
.....for the petitioner.

Let the supplementary affidavit filed on behalf of the petitioners be taken on record.

Petitioner is aggrieved with the judgment of the first appellate court passed in Criminal Appeal No. 53 of 2023.

Learned advocate for the petitioners has urged that his client, that is the petitioner/husband is unemployed at present and is not in a position to comply with the court's order of payment of interim maintenance. He has submitted further that a series of documents have been produced on behalf of his clients before the first appellate court to show the status of the petitioner/husband as unemployed, but those have not been considered by the court.

In a proceeding under the Protection of Women from Domestic Violence Act, 2005, the learned magistrate directed the petitioners to pay a total amount of Rs.13,000/- to the opposite party/wife and the minor child. The petitioners being aggrieved with the same had challenged the same in a criminal appeal as mentioned above. The learned sessions judge, however, without interfering with the order of the learned magistrate has confirmed the same. The petitioners are now aggrieved with the order of the first appellate court and has come up before this court to pray for adequate relief.

Let there be an order of stay as regards the operation of the impugned order dated 30-11-2023, in Criminal Appeal No. 53 of 2023, now pending before the District Judge at Howrah, subject to the present petitioner remitting an amount of Rs.10,000/- per month, to the present opposite party/wife. The order of stay shall remain operative, till varied by this court or disposal of this case, whichever is earlier.

Needless to say that, non compliance of this order by the petitioner, would render the order of stay to be vacated automatically, without any reference to the petitioner.

The said sum of Rs.10,000/- is payable with effect from December, 2023, within the 7<sup>th</sup> day of each succeeding English Calendar month.

Let the petitioner serve notice to the opposite party, along with copy of this revision within a period of 3 weeks from date and file affidavit of service, on the next date of hearing.

Let this matter be listed before the Hon'ble Regular Bench, as per convenience of the same.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Rai Chattopadhyay, J.]

