

20-02-2024
Subha
Item no.56
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 471 of 2024

Mira Modak
-versus-
Manik Modak .

Mr. Dhananjoy Banerjee
Mr. Palash Bapari
.....for the petitioner.

The order dated 13th February, 2024 which has been inadvertently recorded, transcribed by copy paste and uploaded in the server is the order of a different revisional application. As such, the contents of the order do not match with the subject matter of challenge in the present revisional application.

Accordingly, the order dated 13th February, 2024 passed in this revisional application is recalled.

I have perused the contentions advanced in the revisional application and considered the submissions advanced on behalf of the learned advocate.

Learned advocate appearing for the petitioner is aggrieved by the conduct of the private opposite party who is evading the court in a designed manner and not paying the arrears which have accrued for which the application under Section 125(3) of the Code of Criminal Procedure has been filed.

I find from the order dated 08-06-2023 that the execution case being Misc. Execution Case No. 173 of 2023 has been filed for recovery of arrears to the tune of Rs.2.90 lakhs. According to the

petitioner/wife till date she has not received a farthing.

Having considered the same, I direct the learned Judicial Magistrate, Kalyani, Nadia to fix one date in every 15 days so that the petitioner physically appears before the court and is compelled to pay the arrears which have accrued. In case the learned court thinks fit and proper, the learned court would grant installments to the extent of Rs.50,000/- which would be deposited on each occasion till the arrears which have accrued are cleared.

No unnecessary adjournments be granted to the husband/opposite party and in case the husband/opposite party evades the court in a designed manner, the learned Magistrate would be at liberty to exhaust the harsher process of law.

With the aforesaid observations, the revisional application being CRR 471 of 2024 is disposed of.

Pending applications, if any, are consequently disposed of.

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

[Tirthankar Ghosh, J]

