

20.12.2024

Item No.DL/8
Court No. 30

Asraf, AR(Ct.)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

CRR 1869 of 2022

In the matter of :

SHANKAR BAG
VS.
THE STATE OF WEST BENGAL & ORS.

Mr. Subhabrata Datta
Ms. Debjani Roy Chaudhuri
.....for the Petitioner

Mr. Pintu Karan
Mr. Sabab Uddin
Mr. Sourav Roy
.....for the Private Opposite Parties

The present revisional application has been preferred against an order dated 19.03.2022 passed by the learned Judicial Magistrate at Amta thereby rejecting the application dated 03.03.2020 filed by the opposite party for rejecting the instant maintenance case in connection with Misc Case No.49 of 2016 pending before the learned Judicial Magistrate at Amta, Howrah.

The learned counsel for the petitioner has filed a list of dates which is as follows:

Sl. No.	Dates	Particulars
1.	May 15, 2000	Application being Misc Case no. 14 of 2000 u/s 125 of the CrPC filed by the wife OP No. 2 for maintenance of OP No. 2 & 3.

2.	June 26, 2002	An order passed in Misc Case no. 14 of 2000 u/s 125 of the CrPC awarding maintenance of a sum of Rs.300/-as monthly maintenance
3.	March 16, 2006	By an order passed in Misc. Case no. 39 of 2004 us 127 of the CrPC, the maintenance amount was enhanced to Rs.500/- per month
4.	In the year 2014	An Application being Misc. Case no. 07 of 2014 u/s 127 of the CrPC by the OP No.2 and 3 praying for enhancement of maintenance allowance to the tune of Rs.3000/ - per month for herself and Rs.3000/- per month for OP No. 3
5.	In the year 2016	An Application being Misc. case no. 49 of 2016 filed u/s 125 of the CrPC by the O.P. no.3 praying for Rs.5000/- per month as maintenance
6.	July 11, 2017	The petitioner contested the Misc. case being no. 49 of 2016 by filing a written objection
7.	January 11, 2018	Order passed in Misc. Case no.49 of 2016 by the Learned Judicial

		Magistrate, Amta, Howrah directing the petitioner to pay a sum of Rs. 3,000/- per month as interim maintenance to the OP No. 3
8.	June 13, 2019	By an order passed in Misc Case no. 07 of 2014, the Learned Judicial Magistrate Amta, Howrah directed the petitioner to pay a sum of Rs.5,000/- per month as maintenance to the OP Nos. 2 and 3
9.	March 13, 2020	An application challenging the order dated January 11, 2018 in connection to Misc Case no. 49 of 2016 was filed by the petitioner
10.	March 19, 2022	Order passed by the Learned Judicial Magistrate, Amta, Howrah rejecting the application dated March 13, 2020 filed by the petitioner
11.	In the year 2021	Misc. Exe case no. 3 and 4 filed by the opposite parties herein arising out of Misc case no. 49 of 2016.
12.	September 08, 2022	By an order passed by the Learned Judicial Magistrate, Amta, Howrah, the Misc. Exe. Case no. 03 of 2021

		was disposed of on full satisfaction as the entire amount was paid by the petitioner.
13.	March 03, 2022	Misc. Exe. Case no. 9 and 10 of 2022 was filed by the opposite parties herein arising out of Misc. Case no. 7 of 2014.
14.	August 10, 2022	Warrant of arrest in connection with Misc. Exe. Case no. 04 of 2021 issued against the petitioner
15.	January 09, 2023	Warrant of arrests in connection with Misc. Exe. Case no. 09 of 2022 and Misc. Exe Case no. 10 of 2022 issued against the petitioner
16.	In the year 2024	Misc. Exe. Case no. 4 of 2021, Misc. Exe. Case no. 9 of 2022 and Misc. Exe. Case no. 10 of 2022 are still pending before the Learned Judicial Magistrate, Amta, Howrah.

Execution cases are pending between the parties. The present revisional application is delaying the execution cases and as such on hearing the parties this Court is of the view as the prayer for enhancement of the maintenance has already been

disposed of by granting Rs.5,000/- per month and also by the order dated 30.09.2024 this Court granted maintenance of Rs.5,000/- per month to the wife / opposite party no.2, this Court is not inclined to interfere with the Trial Court's order under revision by directing the petitioner that he shall continue to pay Rs.5,000/- per month as maintenance to the opposite party / wife and the child.

The present revisional application stands **disposed of**.

As the present revisional application is disposed of, the opposite party / wife is at liberty to pray for the arrear dues before the Trial Court by way of appropriate proceedings.

Let a copy of this order be sent to the Trial Court at once.

Parties to act on the basis of server copy of this order duly downloaded from the official website of this Hon'ble High Court.

Urgent Photostat certified copy of this judgment and order, if applied for, be supplied to the parties expeditiously after complying with all requisite formalities.

[Shampa Dutt (Paul), J.]