

CRR 1809 of 2017

In the matter of : Suresh Srivastav

... Petitioner

Nobody appears on behalf of either of the parties on call. Even on earlier occasion no one represented the petitioner. No accommodation was sought for.

This case pertains to the year 2017. Accordingly, the record is taken up for disposal on merit to avoid further delay. This criminal revisional application has been filed challenging the order dated 16.01.2017 passed by the learned Additional Chief Judicial Magistrate at Barasat in M. Execution Case No. 442 of 2015 (Smt. Sunita Sharma (Srivastav) vs. Suresh Srivastav) under Section 125(3) of the Code of Criminal Procedure, 1973 arising out of M. Case No. 23 of 2014.

The said execution case has been filed by the opposite party/wife when the petitioner fails to pay the arrear maintenance. Total amount of dues was Rs.66,000/- from the petitioner. Due to non-payment of the said arrear dues, the petitioner was initially sentenced to suffer simple imprisonment for one month or until payment if sooner made for non payment of arrear maintenance allowance. Subsequently, he was released from the judicial custody upon payment of Rs.20,000/-. Thereafter, time to time he paid arrear maintenance to clear all the arrear maintenance. The said amount was also received by the petitioner's wife time to time without any objection and finally when the petitioner wanted to pay Rs.3000/-, the same was refused to accept by the opposite party/wife. Under such circumstances, the learned ACJM issued a

warrant of arrest against the present petitioner. It is the subject matter of this revisional application herein.

Upon perusal of the applications as well as annexures thereto and entire order sheets, this Court do not find any illegality or infirmity in passing such order. It also not appears that there is any error in jurisdiction or law.

In view of the facts the instant revisional application is devoid of merit.

Accordingly, CRR 1809 of 2017 is thus dismissed without any order as to cost.

Interim order, if any be vacated.

Let this order be communicated to the learned court below for information and taking necessary action in accordance with law.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties after observing all legal formalities.

(Ajay Kumar Gupta, J.)