

30.09.2024
rc/ct.no.34
Item No.32

CRR No. 2359 of 2024

In the matter of : Suvajyoti Chakraborty.

.....Petitioner

Mr. Malay Bhattacharya
Mr. Subhrajyoti Ghosh

...for the Petitioner

Mr. Sunny Nandy
Mr. Tamal Singha Roy

...for the O.P.

Heard learned counsels for the parties.

The petitioner has assailed the order passed by the learned Additional Sessions Judge, Fast Track 2nd Court, Barrackpore on April 09, 2024 in Criminal Appeal No. 19 of 2020 directing stay of warrant of arrest in M. Execution Case No. 142 of 2020 upon payment of at least 60% of the dues by the petitioner.

It is not in dispute that the petitioner has been paying Rs.20,000/- per month to the opposite party in compliance with the order of this Court in CRR No. 1926 of 2022 dated August 03, 2023. It appears in the proceedings under Section 23 of The Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as "the Act of 2005") the petitioner has been directed to pay Rs.30,000/- per month to the opposite party which has been assailed by the petitioner in criminal appeal being No. 19 of 2020. The appeal is pending.

In view of the fact that the petitioner has already paid Rs.20,000/- per month by order of this Court in the proceeding under Section 125 of the Code of Criminal Procedure till

September, 2024 and is liable to pay the higher amount of Rs.30,000/- decided by the learned Magistrate in the proceeding under the Act of 2005 decided on March 04, 2020, the petitioner has admittedly paid the difference of Rs.10,000/- per month to the tune of Rs.4,50,000/- out of the arrears of Rs.5,50,000/- as in September, 2024. The petitioner agrees to pay the remaining Rs.1.00 lakh to the opposite party in two equal installments within two weeks from date, the first installment within 7 days from date and the next installment within 7 days thereafter.

In view of the fact that the major part of the arrear has been cleared by the petitioner, the Execution Case Being Misc. Execution Case No. 142 of 2020 be stayed till disposal of the criminal appeal pending before the learned Additional Sessions Judge, Barrackpore. It is also recorded that the order impugned dated April 09, 2024 has been substantially complied with by the petitioner.

The learned Sessions Judge, Barrackpore is directed to dispose of the appeal as expeditiously as possible, preferably within one month after ensuing annual vacation without granting any unnecessary adjournment to either of the parties, in accordance with law.

CRR No. 2359 of 2024 is disposed of accordingly.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent certified website copy of this order, if applied for, be supplied to the

(Suvra Ghosh,J)