

D/L134
29.01.2024
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C.R.R.4000 of 2022

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973;

Maulana Abdul Rauf alias Md. Abdur Rouf
Versus
Smt. Rahana Bibi and another

Ms. Minoti Gomes
Ms. Manika Sarkar.
...for the petitioner.

Mr. Satadru Lahiri
Mr. Safdar Azam.
...for the opposite party no.1.

Ms. Gomes, learned advocate appearing for the petitioner submits that the petitioner has been paying maintenance for a considerable period of time but it has come to the knowledge of the petitioner that his wife Rahana Bibi has married for the second time and the daughter has attained majority and she has also been married. Learned advocate also submits that there are documents in custody of the petitioner to that effect which the petitioner intends to bring on record.

Accordingly, I grant liberty to the petitioner to file application under Section 25(2) of the PWDV Act, adduce oral and documentary evidence to the effect regarding marriage of the opposite party no.1 (applicant before the learned trial court/wife as well as the daughter, who has attained majority and married).

Learned trial court on an application being filed will dispose of the same after issuing notice to the affected parties and

by adducing evidence in support of the same within a period of three months from the date of communication of this order.

During the pendency of the application under Section 25(2) of PWDV Act, for the next three months, i.e. February , 2024, March, 2024 and April, 2024, the petitioner shall pay Rs.15,000/- per month (Rs.7,500/- per month to the wife and Rs.7,500/- per month to the daughter). By 10th May, 2024 learned trial court will pronounce the order in respect of the application under Section 25(2) of the PWDV Act. If the amount, as directed above, is paid towards the arrears, the learned Magistrate will keep the warrant of arrest in abeyance till 10th May, 2024.

With the aforesaid observations, CRR 4000 of 2022 is disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)