

06.02.2024
Item no. 22
Ct.34
(Suvendu)

C.R.R. 4052 of 2023

In the matter of :- Sandeep Mali @ Sandip Mali
... Petitioner

Mr. Sudha Adak
...for the petitioner

The petitioner has challenged the order dated 15th July, 2023 passed by the learned Judicial Magistrate, 1st Class, Kharagpur, Paschim Medinipur in Misc. Criminal Case No. 02 of 2021 wherein the learned trial court in a case under the relevant provisions of PWDV Act, 2005 allowed interim maintenance of Rs. 12,000/- to the wife and Rs. 13,000/- for the minor child aggregating to a sum of Rs. 25,000/- per month.

Learned advocate for the petitioner submits that the Warrant of Arrest has been issued in an Execution Case arising out of the present Misc. Criminal Case No. 02/2021.

However, the petitioner is granted liberty to prefer an appeal under Section 29 of the PWDV Act within a period of 30 days from date.

If any application is filed under Section 5 of the Limitation Act, the learned trial court would consider the same leniently in view of pendency of the present revisional application being CRR 4052 of 2023.

In case the Warrant of Arrest has been issued in any execution case for the next thirty days, the same should be stayed and would be freshly considered by the learned appellate court at the time of admission of the appeal.

With the aforesaid observations, CRR 4052 of 2023 is disposed of.

The concerned department is directed to return the certified copy to the petitioner after being replaced by a photostat copy of the same.

All parties to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)