

18.08.2025
Item No.27
Ct. No. 446
KS

C.R.R. 161 of 2025

In the matter of: **Surajit Ghosh**

..... Petitioner

Mr. Ashirbad Sarkar

Mr. S. Saha

....For the Petitioner

Mr. Gopal Chandra Ghosh

Mr. R. Mondal

.....For the Opposite Party

1. This revisional application has been filed against an order dated 20th November, 2024 passed by learned Additional District and Sessions Judge at Barasat, North 24 Parganas in Criminal Appeal No.75 of 2024 in connection with C-535 of 2022 under Section 12 of the Protection of Women from Domestic Violence Act.
2. This revisional application was filed with the preliminary objection that the learned Sessions Judge directed the petitioner to pay the arrear amount of the maintenance within a period of two months along with the current maintenance amounting to Rs.10,000/- per month to the respondents.
3. The matter appeared before a Coordinate Bench of this Court on 21st January, 2025 when in presence of the learned advocate of the opposite party no.2 and the learned Single Judge observed that "*this Court is of the prima facie view that the arrear amount may be cleared by the petitioner within one year upon paying the same in installments*" and directed to serve the copy.
4. The opposite party no.2/wife filed a case under section 12 of the Protection of Women from Domestic Violence Act against the petitioner and his mother who later on expired in the year 2024. The

learned Chief Judicial Magistrate passed the order on 30.09.2024 directing the petitioner to pay Rs. 10,000/- on living expenses and Rs. 5,000/- per month for medical expenses under section 20 of the Protection of Women from Domestic Violence Act with further direction not to evict the wife from the shared household. A further sum of Rs. 25,000/- was also directed to be paid. An appeal was preferred before the learned District and Sessions Judge at Barasat, where the learned Court passed an interim stay with a direction to continue to pay Rs. 10,000/- per month and to pay the arrear amount within two months; in default, the stay shall stand automatically vacated. Being aggrieved, this revisional application is filed.

5. It is admitted that the petitioner is paying the monthly maintenance of Rs. 10,000/- regularly but no amount has been paid towards the arrear amount despite no order of stay was granted.
6. It is argued on behalf of the learned advocate for the opposite party no.2 that no effort has been made on behalf of the petitioner to pay the arrear amount either in compliance with the order passed by the learned Sessions Judge or in compliance with the preliminary observation of the Co-ordinate Bench of this Court even though 8 months have passed. Not only that he has already transferred the property in favour of his daughter in order to put the present petitioner in further difficulty.
7. According to the petitioner, since no specific direction was passed, he did not comply with any of the direction.
8. Having heard both the learned counsel on behalf of the parties and on perusal of the record as well as the order passed by the learned Trial

Court and the learned First Appellate Court, prima facie, it is seen that the petitioner has not challenged the quantum of maintenance as granted and he is complying with such direction by paying the said amount of Rs.10,000/- towards maintenance to the respondent/opposite party no.2. However, his objection rests on payment of arrear installment, which according to the learned Appellate Court was to be within a period of two months.

9. Fact remains, the present petitioner never made any effort to pay the arrear amount within one year as in terms of the preliminary observation so made by the Co-ordinate Bench of this Court, which could have otherwise reduce the amount of arrear maintenance, which prima facie shows the reluctant attitude of the petitioner in making the arrear amount in favour of the respondent/opposite party.
10. This Court is not satisfied with the ground as placed before this Court and therefore direct the petitioner to pay the entire arrear amount of Rs.3,25,000/- within February, 2026 preferably in equal instalment till the entire amount is exhausted.
11. The opposite party no. 2 is directed to furnish the specific arrear amount and the number of installments to be paid by the husband with the fixed quantum and such statement be furnished before the learned Trial Court by the date fixed before the learned Trial Court.
12. Further direction is given to the learned advocate of the respondent/opposite party to furnish bank details, account number in which installment arrear amount to be paid before the learned Trial Court and the learned Trial Court is further directed to record the

said information detailing the date forthwith, preferably within 15 days from the uploading of this order in the website.

13. It is made clear that in default of non-compliance with such order, the learned Court of Magistrate will be at liberty to proceed in accordance with law.
14. It is further made clear that the arrear amount or the installment amount to be paid along with the current amount of Rs. 10,000/- which is to be paid positively by 5th of each month till February, 2026.
15. Accordingly, criminal revisional application being, **C.R.R. 161 of 2025** stands disposed of.
16. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(CHAITALI CHATTERJEE (DAS), J.)