

19.09.2025
Ct. No. 446
Item No.4
KS

C.R.R. 261 of 2025

In the matter of: **Ranjan Majumder**

..... Petitioner

Mr. Souvik Mitter
Mr. Debangana Bhattacharjee
Mr. Mahidul Islam
Mr. Sudipta Mahapatra
Ms. Mohana Banerjee

....For the Petitioner

Mr. Sayak Chakraborty
Mr. Wrickbrata Roy
Mr. Iswar Das
Mr. S. Chatterjee
Mr. Nistar Molla
Mr. Farhan Haider

.....For the O.P.

1. This instant criminal revisional application has been filed under Sections 397/401 read with Section 482 of the Code of Criminal Procedure, 1973 corresponding to Section 528 of the B.N.S.S, 2023 filed by the petitioner/husband for setting aside the order dated 23.12.2022 and all subsequent orders herein. Subsequently, order passed on 05.12.2024 by the learned Court of 4th judicial Magistrate, Alipore, South 24 Parganas thereby allowing the prayer of the opposite party no.2 herein to get an order of maintenance allowance to the tune of Rs.30,000/- per month and to pay litigation cost of Rs.20,000/- in connection with Misc. Execution Case no.175 of 2022.
2. The fact of the case is that the marriage between the parties took place on 20.10.2015 according to the Special Marriage Act at Delhi and subsequently, the marital discord cropped up between the parties and lastly, they started living separately and left the

matrimonial house and F.I.R. was lodged against the present petitioner under Sections 498A/ 406 of the Indian Penal Code as well as under Sections 3/ 4 of the Dowry Prohibition Act.

3. She further filed a proceeding under Section 125 of the Code of Criminal Procedure claiming maintenance against the petitioner and by way of an order dated January 25, 2022, an *ex parte* order was passed by the learned Court after scrutinizing asset and liability of only opposite party no.2. Thereafter, she again filed an execution case being Execution Case No.175 of 2022 and on 20.12.2022, the order was passed issuing warrant of arrest against the present petitioner.
4. It is the case of the present petitioner that throughout the entire proceeding, the present petitioner had no occasion to be heard or any affidavit of asset would have been filed on his side. The petitioner has been devoid from a far reasoning and thereby a principles of natural justice has been violated.
5. That apart, the quantum of maintenance granted in favour of the petitioner was passed without considering the petitioners' asset and liabilities, which is mandatory and that the amount of maintenance is excessive, which that the petitioner is unable to pay as it is beyond his capacity.
6. Learned advocate appearing on behalf of the opposite party raised vehement objection and submits that despite receiving summons, the petitioner herein did not turn up. As a result, the matter was heard by the learned Court and passed an order of maintenance in

favour of the petitioner, which was not complied resulting filing of the Execution Application, where also the husband did not turn up only in order to delay and harass the present opposite party. Ultimately, the learned Court issued D.W. but also did not mend the petitioner to turn up and hence warrant of arrest was issued on 23.12.2022. Despite such harsh order, till date, the present petitioner neither appeared and nor the report was received from the Commissioner of Police, Kolkata, as directed by the Learned Court.

7. Accordingly, reminder was issued to serve the Commissioner of Police, Kolkata fixing the date on 25th January, 2025 and the last order, which has been challenged before this Court dated 5th December, 2024, no report was submitted by the Commissioner of Police and hence, a reminder was further issued fixing the date on 25th January, 2025 and on that date also, the same order was passed.
8. Heard the learned advocates appearing for the parties and perused the entire materials on record.
9. The glaring negligence manifests on the part of the husband either in making payment towards the maintenance or to controvert the allegation leveled against him and he chooses not to appear before the Court or to comply with the direction and therefore, the learned Magistrate rightly passed such order of warrant of arrest.
10. It is now to be considered, as submitted by the learned advocate representing the O.P. No.2/wife that an amount of Rs.15,70,000/- is

lying due towards arrear maintenance and she is passing under hardship.

11. The learned advocate appearing for the petitioner pursuant to the instruction of the petitioner agreed to comply with the direction of the learned Court, which still subsists and he is otherwise liable to pay. Pursuant to the instruction, the learned advocate representing the petitioner expressed his willingness to pay the amount of Rs.4,00,000/- at once and at a monthly installment amount of Rs.1,00,000/- towards arrear amount as well as the current amount, till the arrear is exhausted. This Court finds that the amount, as agreed by the petitioner, is not sufficient in considering the amount accumulated towards arrear maintenance and is of the view that purpose would be sub-served if petitioner is directed to pay an amount of Rs.5,00,000/- before the ensuing Durga Puja i.e. within 28th September, 2025 positively either through the account to account transfer directly or through online transfer mode, as per the convenience of both the parties. The rest of the total arrear amount of Rs.15,70,000/- will be paid in the monthly installment amount of Rs.70,000/- alongwith the current amount of Rs.30,000/- totalling to Rs.1 lacs by 10th day in each calendar month and will go on making such payment of Rs.70,000/- till the said arrear amount is exhausted and to continue with the current amount thereafter.
12. It is made clear that in the event, the arrear amount of Rs.5,00,000/- is not deposited within 28th September, 2025, the learned Court will

be free to execute the warrant, as passed earlier and in the event, such amount is paid, the order impugned will not be given effect subject to the condition of deposit/payment the amount of Rs.5,00,000/- must be paid by 28th September, 2025.

13. It is further made clear that after making such bulk amount of Rs.5,00,000/-, the petitioner will be given liberty to approach the appropriate Court for modification of the order impugned and will be given liberty to place his own defence by way of an affidavit of the assets and liabilities to prove his income, since, he never appeared before the Court and filed his affidavit of assets and liabilities at any point of time during the period of hearing.
14. With this above observation/direction, criminal revisional application stands disposed of.
15. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(CHAITALI CHATTERJEE (DAS), J.)