

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

Before:

The Hon'ble Mr. Justice Jay Sengupta

CRR 1351 of 2025

Rabi Tapan Adhikari
Vs.
The State of West Bengal & Ors.

For the Petitioner : Mr. Ejaz Hossain

Heard on : 25.08.2025

Judgement on : 25.08.2025

Jay Sengupta, J. :

1. This is an application challenging the order dated 20.12.2024 passed by the learned Judicial Magistrate, 5th Court, Hooghly (Sadar) in M.C. Execution Case No.298 of 2018.
2. Learned counsel appearing on behalf of the petitioner submits as follows.
The learned Trial Court had accepted that the petitioner was earning a meagre sum of Rs.5,000/-. Yet, he passed an interim order under Section 125 of the Code directing payment of Rs.2000/- as monthly maintenance allowance for the wife and 1500/- for the minor child. It is not possible for the husband to pay such amount as he has to maintain himself and his old aged and ailing mother. An execution case was started in this regard. An order has been passed and a warrant of arrest has been issued.

3. It appears that the petitioner is an able bodied man and an earning member of the family.
4. The order passed in the parent proceeding under Section 125 of the Code has not been challenged here.
5. Considering the rising prices, the sum awarded cannot be taken as excessive, by any stretch of imagination.
6. No case has been made out by the petitioner for challenging the execution proceeding either.
7. Accordingly, I do not find any merit in this application.
8. Therefore, the revisional application is dismissed, however, without any order as to costs.
9. Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)