

13.06.2025
Sl.No. 16
Ct. 32
Amalranjan

In the High Court at Calcutta
Criminal Revisional Jurisdiction
Appellate Side

CRR 4425 of 2023

Amit Kumar Singh
Vs.
Pushpa Singh and anr.

Mr. Asis Bhattacharyya.....for the petitioner

1. None appears on behalf of the opposite party/wife.
2. The petitioner, being the husband of opposite party/wife, has filed this revisional application under Section 482 read with Section 401 of the Code of Criminal Procedure, 1973 challenging the order of warrant of arrest dated 10.10.2023 issued by the Learned 12th Metropolitan Magistrate Court, Calcutta in an Execution case being Misc. Case No. 28 of 2020, filed by the wife for payment of arrear of maintenance allowed by the Trial Court under Section 23 of the Protection of Woman from Domestic Violence Act, 2005.
3. It is submitted by the learned counsel for the petitioner that earlier an interim order of maintenance was allowed by the Trial Court at the rate of Rs. 7000/= per month in favour of the opposite party/wife from the date of order in an application filed under Section 23(2) of the PWDV Act, 2005, vide order dated 26.08.2019. Subsequently, it was enhanced to the sum of Rs.

10,000/= per month from the month of August, 2019 after modifying the order dated 26.08.2019 passed by the Trial Court in an appeal filed by the wife being Criminal Appeal No. 213 of 2019 on 08.11.2019 by the Sessions Judge without considering the case of petitioner's version and his actual take home salary of Rs. 24,500/= and also his liability towards his old aged mother.

4. It further appears from the order dated 14.02.2021 in another revisional application being CRR No. 3577 of 2019 a co-ordinate Bench of this court that the petitioner was directed to pay the sum equivalent to the amount which was granted by the Learned Metropolitan Magistrate, 12th court, Calcutta in Misc. Case no. 7 of 2019, without prejudice to the rights and contentions of the parties. The petitioner was further directed to deposit arrear monetary relief from the date of the order i.e. from 26.08.2019 till date in two instalments. The order dated 08.11.2019 was stayed till 07.02.2021, subject to condition that if the petitioner complying with the order for payment of maintenance and arrear amount.
5. It is further contended by the petitioner that the Trial Court vide order dated 02.08.2022 finally disposed of the application under Section 12 of PWDV Act, 2005 ex parte and directed as, inter alia, as under:

“(1) The respondents are restrained from repeating any act of domestic violence against the aggrieved person,

Pushpa Singh, in any manner henceforth and to return all the original educational and other certificates to the petitioner and of son; (ii) the respondent no.1 is directed to pay a monthly maintenance allowance of Rs.10,000/- p.m. to the aggrieved person and another Rs.10,000/- to the son, Aryan Singh within 10th day of every succeeding month; (iii) respondent no.1 is also directed to pay sum of Rs.1 lakh 50 thousand only as compensation for the mental and physical harassment suffered by the aggrieved person and to pay the amount of compensation within 4 months from the date of passing of this order.

The said order shall take effect for point no. (i) and (ii) from the date 16.09.2020.

As per the list submitted by the petitioner in support of her stridhan articles, this court is allowing the prayer for return of Stridhan articles with the assistance of the local police station on proper verification and provided the said is not already returned through any other order.

The case is thus disposed of as exparte”

The aforesaid order was passed by the learned Trial Court in pursuance of the direction passed by the Learned Additional District & Sessions Judge, 1st Fast Track Court, Calcutta, vide order dated 18.06.2022. The Appellate Court had directed the Trial Court to consider all the prayers of the Petitioner after

considering the Affidavit of Assets filed by the parties in accordance with the decision of the Hon'ble Apex Court passed in **Rajesh V. Neha and Another reported in (2021) 2 SCC 324** and to pass an order afresh within 60 days of the date of communication of the order.

6. An execution case being No. 28 of 2020 had been filed by the wife. In said case, warrant of arrest was issued against the present petitioner on 10.10.2023 and, for that, this Criminal Revisional application has been filed before this court. At the time of admission, a co-ordinate Bench had stayed the said warrant of arrest for four weeks and the same was time to time extended. However, the stay ultimately expired due to non- filing of any application for extension.
7. Having heard the learned advocate for the petitioner and upon perusal of the record, it appears that the petitioner has filed several revisional applications before this Court from time to time challenging the various impugned orders passed by the learned courts.
8. It is submitted on behalf of the petitioner that the petitioner is employed as Darwan at the Cossipore Gun & Shell Factory with a monthly earning of Rs. 24,500/- only. He is unable to pay the entire arrear due at a time. He prays for permission to pay the same in 5 equal instalments.

9. Considering the submission and upon perusal of the record, it reveals vide order dated 28.09.2022 a co-ordinate Bench directed the petitioner to comply with the order dated 02.08.2022 passed by the Learned Trial Court in Misc Case No. 7 of 2019 as there was no grievances raised by the petitioner if direction is passed for compliance of the order dated 02.08.2022 passed in Misc. Case no. 7 of 2019 in CRR No. 3494 of 2022.
10. Being such position of the case, the petitioner is directed to continue paying monthly maintenance amount to the wife and minor child and to pay the arrears in five equal instalments starting on 01.07.2025 as prayed by his counsel.
11. The warrant of arrest issued by the learned trial court in Execution Case being No. 28 of 2020 shall be stayed till 31st July, 2025 upon payment of the arrear maintenance as directed above and the Execution Case being No. 28 of 2020 may be disposed of by the learned trial court upon giving an opportunity of hearing of both the parties and in accordance with law. The Executing Court shall be at liberty to take appropriate steps in case of default of payment, against the petitioner/husband in accordance with law.
12. Accordingly, **CRR 4425 of 2023** is, thus, disposed of with the above observations.

13. Consequently, connected application, if any, is also disposed of.
14. Interim order, if any, stands vacated.
15. Let this order be communicated to the Ld. Court below for information and compliance.
16. All parties shall act in terms of the copy of this order downloaded from the official website of this court.

(Ajay Kumar Gupta, J.)