

36.
Court
No.29.
(OP)

17.06.2026.
(Pritam)

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

CRR 1994 of 2026

In the matter of: - **Subrata Ghosh.**
.....petitioner.

Mr. Rabindra Kumar Jaiswal,
Ms. Debolina Bhar.
...for the petitioner.

Mr. Sagar Saha,
Ms. Nayana Mukhopadhyay.
....for the State.

Mr. Sayak Chakraborty.
....for the OP no.2.

Affidavit-of-service filed by the petitioner is taken on record.

In the instant application, the petitioner has challenged a portion of the order dated 18th April, 2026 by which the court below refused to recall the warrant of arrest and insisted for personal appearance of the petitioner-husband before the court.

Being aggrieved by the aforesaid portion of the award, learned counsel of the petitioner submits that the opposite party-wife Esha Shree filed an execution case being 223/2025 claiming arrear maintenance of Rs.9,80,000/- before the executing court. Thereafter, said order was revised by an order dated 3rd January, 2020 by which the amount of arrear maintenance was held to be Rs.1,40,000/- .

It is submitted that Rs.1 lakh had already been paid earlier vide order dated 19th February, 2026 and the next date for payment of rest amount of Rs.40,000/- was scheduled on 18th March, 2026.

The order dated 18th April, 2024 discloses that the petitioner has paid rest amount of Rs.40,000/-. However, the court below was dissatisfied due to non-appearance of the petitioner physically before the court who resides abroad and therefore, he refused to recall the warrant of arrest and directed the petitioner to appear physically.

Having considered the facts and circumstances of the case, I find that the order, by which the court below had refused to recall the warrant of arrest and insisted for personal appearance of the petitioner herein, in spite of making entire payment mentioned in the execution case, suffers from perversity and is not sustainable in the eye of law.

In view of the above, the instant revisional application being CRR 1994 of 2026 is hereby disposed of with a direction upon the Magistrate to recall the warrant of arrest against the petitioner at once and so long petitioner will make payment in terms of the maintenance order in favour of the opposite party, he will not insist for his physical appearance.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all formalities.

(Dr. Ajoy Kumar Mukherjee, J.)