

29.6.2026

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**CRR 2919 of 2025
with
IA No: CRAN 1 of 2025, CRAN 2 of 2026**

**Dewan Mohammad Mostafa Shamim
Vs.
The State of West Bengal & Anr.**

Mr. Jayanta Narayan Chatterjee, Sr. Adv.
Ms. Ritushree Banerjee
Mr. Anagh Chakraborty
Mr. Suprovo Dey
Ms. Olivia Dutta

...for the petitioner

Mr. Satyam Mukherjee,
Mr. Purnendu Shekhar Ghosh

...for O.P. no. 2

The petitioner herein has preferred the instant application being aggrieved by an order dated 23rd June, 2025 passed by the learned Judicial Magistrate, 1st Court, Barasat in M Ex. Case no. 76 of 2018.

It is submitted on behalf of the petitioner that the opposite party no. 2 herein filed an application under Section 12 of the DV Act and another application filed under Section 125 of the Code of Criminal Procedure before the learned Chief Judicial Magistrate, Barasat being C-249 of 2018 and M/76/2018. He further submits that the learned Magistrate passed interim monetary relief of Rs. 35,000/- per month in the proceeding under the DV Act, which was subsequently reduced to Rs. 30,000/- by the Sessions Court. The learned Magistrate also further granted Rs. 30,000/- per month as

interim maintenance in the proceeding under Section 125 of the Code.

The petitioner preferred an application by way of criminal revision challenging the impugned order dated 27.4.2023 passed by the learned Judicial Magistrate, 1st Court, Barasat in M. 76 of 2018 and after hearing, this High Court was pleased to direct the learned Magistrate to adjust the award and also directed not to insist in respect of payment in both the cases towards maintenance but the learned Magistrate started to recover money from the husband/petitioner in M. Ex. No. 162 of 2023 and C.Ex. 14 of 2021 by ignoring the direction of this Hon'ble Court and thereafter the petitioner filed one application being CRR 2967 of 2024 before this court, which was disposed of on 7th March, 2025. Learned Magistrate issued warrant of arrest on 7.4.2025 though the petitioner is regularly paying monthly maintenance. The petitioner prayed before the court below to deposit Rs. 1,50,000/- in judicial cash but the learned Magistrate rejected the said prayer on 4.6.2025. The Petitioner paid Rs. 5,00,000/- to the opposite party no. 2 on 5.6.2025 but the learned Magistrate again fixed the date on 23.6.2025 for payment of Rs. 1,46,000/- and thereafter the learned Trial court by the impugned order dated 23.6.2025, issued warrant of arrest.

Being aggrieved by the aforesaid order, learned counsel for the petitioner submits that the petitioner filed a supplementary affidavit before this court today and contended that the total claim of the opposite party no. 2/wife as on March, 2026 is admittedly Rs. 29,

43,000/-. The opposite party no. 2/wife herein has acknowledged payment of Rs. 21,06,900/-. It is further alleged on behalf of the petitioner that the opposite party no. 2 has suppressed the payment of Rs. 7,00,000/-, which the petitioner has paid by way of NEFT and cash on different dates though such payment has not been reflected in the order-sheet of the Trial court. Accordingly, the petitioner's contention is that he has made excess payment.

Learned counsel for the opposite party opposed such submission and contended that as on November, 2025, the due amount is Rs. 7,14,000/-.

In view of the aforesaid allegation and counter-allegation in respect of the payment of the maintenance amount, the instant application being CRR 2919 of 2025 is hereby disposed of with a direction upon the court below to make calculation in respect of the due amount as on this date, within a period of 30 days from the date of communication of this order and thereafter to proceed in accordance with law.

Connected applications, if any, are also disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)