

24.02.2026
Ct. No.6
D/L 71
Mujahid

In The High Court At Calcutta
Circuit Bench at Jalpaiguri
Criminal Revisional Jurisdiction

CRR 445 of 2025

With

CRAN 1 of 2026

In the matter of: **Anant Kabra**

....Petitioner

Dr. Arjun Chowdhury
Ms. Sunayana Parveen
Ms. Riya Agarwal

...for the petitioner

Mr. Hillol Saha Pdder

...for the opposite party

1. Present petition has filed challenging the order dated 19th July, 2025 passed by the learned A.C.J.M., Siliguri in Misc. Execution 09 of 2024.

2. Learned counsel for the petitioner submits that the petitioner/husband has already challenged the order dated 18th July, 2024 passed by the learned A.C.J.M., Siliguri wherein learned A.C.J.M. has awarded a maintenance of Rs.99,000/- per month to the opposite party/wife and further directed to pay a sum of Rs.99,00,000/- to the petitioner within three months from date of this order. Learned counsel submits that the order of learned A.C.J.M. dated 18th July, 2024 is pending consideration before the learned Additional District Judge, Siliguri in Criminal Appeal No.17 of 2025. Learned counsel

submits that despite pendency of the appeal, the learned trial court has issued the distress warrant against the petitioner.

3. The Court considers that at the outset, the present petition is not maintainable as the Misc. Execution 09 of 2024 has arisen out of the maintenance order passed by the A.C.J.M. In Misc. Case No.96 of 2023. Admittedly there is no order of stay passed by the learned appellate court. It has been submitted that the appeal was time barred and, therefore, the application under Section 5 of the Limitation Act is pending disposal. It is a clear case of abuse of the process of the Court where the petitioner instead of approaching the court of the learned Additional Sessions Judge, where the appeal was pending has directly approached of this Court. The plea that since there is a concurrent jurisdiction is noted only to be rejected as and when the main order is pending challenge before the learned Sessions Judge, propriety demanded that the petitioner should have approached the court of the learned Additional Sessions Judge.

4. The present petition is rejected with a liberty to the petitioner to file an appropriate application before the learned Sessions Judge.

5. All parties shall act on the basis of the server copy of this order duly downloaded from the official website of this Court.

(Dinesh Kumar Sharma, J.)