

Criminal Appeal No.16/2024
CIS No. 16/2024 (CNR no.WBBB01-001758-2024)

08
30.09.2024

Today is fixed for appearance of the parties of the instant appeal.

Both appellant and the respondent file their respective haziras through their Ld.advocates.

An application for stay of the operation of the final judgement and order dt.08.12.2023 passed by Ld.J.M. 3rd Court, Suri, Birbhum as well as the further proceedings of Misc Execution case no.60/2024 is moved by the Ld.advocate appearing on behalf of the appellant.

Perused the said application.

Heard Ld.advocates for both sides.

Considered.

Being aggrieved by and dissatisfied with the exparte judgement and order dt.08.12.2023, passed by Ld.J.M. 3rd Court, Suri, Birbhum in Misc case no.62/2022, the appellant has been preferred the instant appeal where the appellant has prayed for stay of all further proceedings of Misc Execution case no.60/2024. Admittedly, the warrant of arrest has been issued against the appellant for non-payment of amount which was directed by the Ld.Court below to pay the respondent.

As the judgement and order dt.08.12.2023 passed by Ld. Court below is under challenged in the instant appeal, the further proceedings of the Misc Execution case no.60/2024 or any Misc Execution Case arising out of the judgement and order dt.08.12.2023 are stayed till the disposal of the instant appeal on condition that the appellant is paying Rs.6000/- per month to the respondent from this month till the disposal of the instant appeal, failing which the Ld. Court below will be at liberty to proceed with the Execution Case according to law without further reference of this court.

The warrant of arrest which has been issued against the appellant be kept in abeyance until further order.

Hence, it is,

ORDERED

That the application for stay of all the further proceedings of the Misc Execution case no.60/2024 or any Misc Execution Case arising out of the judgement and order dt.08.12.2023 passed by Ld.J.M. 3rd Court, Suri, Birbhum in Misc Case No.62/2022 is hereby allowed subject to condition stated herein above.

To 03.03.2025 for hearing of the appeal.

Let a copy of this order be sent to Ld.J.M. 3rd Court, Suri, Birbhum in Misc Execution case no.60/2024 for information and necessary action.

Dictated and corrected

A.S.J. 3rd Court, Suri

Additional Sessions Judge
3rd Court, Birbhum at Suri