

**Misc Ex.498/2022**  
**CNR NO.WBBB06-002310-2022**

28/04/2023

Today the date is fixed for payment.

Petitioner files hazira.

O.P files a petition praying for time.

Petitioner is present so also her Ld. Lawyers.

The OP is present so also his Ld. Lawyer.

On call OP Lal Chand Rabidas is found present inside Court. He is asked repeatedly on dock and he replied that he would not pay a single farthing to his wife and would not give any undertaking to pay the same.

No payment made.

There is no order of stay of any proceedings of this case by any higher forum.

It is observed that neither the OP has paid any single farthing nor has given any undertaking to pay the same on this day. Rather on dock he adamantly stated that he would not pay a single farthing to the petitioner. Record speaks that the instant execution case is for an amount of Rs.2,99,748/- and only Rs.4000/- is paid till date.

It must be borne in mind that Section 125 of the Code has been implemented by the legislatures as a measure of social legislation and it has to be construed liberally for the welfare and benefit of the destitute wife and child. It is unreasonable to insist on filing successive applications for issuance of DW and/or WA, when the liability to pay the maintenance as per the order passed under this Act is a continuing liability.

It is not the spirit of law that the OP husband will not give any amount of maintenance to the petitioner wife and his child and will go scot free and the petitioner wife will have to go through the torrid procedure and ordeal of filing petition for DW and thereafter WA.

In the letter and spirit of Section 44(2) of Cr.P.C, the Duty Officer present in the Court is directed to arrest and put the OP namely Lal Chand Rabidas into the custody of the Court, who (ie OP namely Lal Chand Rabidas) is present in Court today and has denied to make any payment and for which and for whose arrest, this Court is competent to issue warrant.

The OP namely Lal Chand Rabidas is taken into custody as such.

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The statement of the OP that he would not pay any single farthing and/or would not give any undertaking to pay the same, which he stated on on being asked, makes it quite justified to sentence the OP namely Lal Chand Rabidas to undergo simple imprisonment for one month i.e. 27/05/2023 or until payment if sooner made, in the letter and spirit of Section 125 (3) Cr.P.C.

Issue Jail warrant accordingly.

BC 2 to do the needful.

To 23/06/2023 for appearance and payment by the OP if the entire amount is not liquidated earlier to that date.

d/c.

A.C.J.M, Rampurhat,  
Birbhum

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