

Order no. 07

Date: 02.09.24

The case is fixed for app and E/R of W/A. The case is put up.

The O.P. namely **Ekramul Miah** has been brought under arrest by Sitai P.S. Seen the accused challand along with other connected doucments.

He is taken into custody.

Perused the case record.

It transpires that the petitioner Rejina Bibi filed the instant case u/s 125 (3) CrPC, with an initial prayer for realization of total arrear maintenance of Rs. 12,500/- (Rs. 1,500/- for herself + Rs. 1,000/- for her minor son = Rs. 2,500/- x 5 months) from O.P.

It transpires from the case record that the O.P till date did not make any payment to the petitioner.

Hence, this court finds no justification for passing an order for release of the O.P.

In such premises, the O.P is sentenced to suffer simple imprisonment for **one month** default in payment of arrear maintenance. Be it mentioned herein that suffering imprisonment would not absolve the O.P. from his liability of paying maintenance to his wife, since such liabilities can be satisfied only by making actual payment of the arrears.

To **01.10.24** for production & todate (11.09.24) for payment.

(D.C by me,)

Sd. Tanima Das
ACJM, Dinhata.

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