

Misc (Exe.)- 36/22

Order no. 10

Date: 26.06.24

The record is put up today.

The O.P. namely **Joyfal Debnath** has been brought under arrest by Dinhata P.S. He is taken into custody.

Perused the case record.

It transpires that the petitioner Shilpi Debnath filed the instant case u/s 125 (3) CrPC, with an initial prayer for realization of arrear maintenance of Rs. 4,000/- (Rs. 4,000/- x 3) i.e. Rs. 12,000/- in total from January, 2022 to March, 2022 and 3 arrear installment (Rs. 4,000/- x 3) i.e. Rs. 12,000/- in total Rs. 24,000/- 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 till 26.07.24 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 25.07.24 for production and further order.

Dictated & Corrected by me.

SD/- Tanim Das
ACJM, Dinhata.