

**Misc (Ex) Case No. 56/22
(Registration No. 56/22)**

Present: Smt. Tanima Das(WB00951), ACJM, Dinhata, Cooch Behar

Order No. 19
Date: 03.04.25

The case is put up today.

Today is fixed for ER of W/A.

OP **Ekramul Miah** has been brought under arrest before this Court by Sitai P.S..

It transpires from the record that the petitioner Rejina Bibi filed this instant case u/s 125 (3) Cr.P.C. claiming arrear maintenance allowance of Rs. 27,500/- from the OP.

On being asked, the OP denied that he is unable to make payment at this moment.

Hence, this Court finds no justification for passing an order for release of the OP.

In such premises, the OP is sentenced to suffer simple imprisonment for **one month (30 days)** default in payment of arrear maintenance to the petitioner and the OP may be released after completion of the aforesaid period on **02.05.2025**. Be it mentioned hereing that suffering imprisonment would not absolve the OP from his liability of paying maintenance to his wife, since such liabilities can be satisfied only by making actual payment of the arrears.

The Superintendent, Subsidiary Correctional Home, Dinhata, Cooch Behar is directed to send a report to this Court after completion of the aforesaid imprisonment.

Let a copy of this order be sent to the Superintendent, Subsidiary Correctional Home, Dinhata, Cooch Behar.

Fix 20.05.2025 for appearance and payment.

(D/C by me)

Sd. Tanima Das
ACJM, Dinhata

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