

**Misc (Ex) Case No. 46/2021
(Registration No. 46/21)**

Present: Sri. Pranay Subba, ACJM, Dinhata, Cooch Behar

Order No. 36
Date: 22.09.25

The case is fixed for production of OP/Ekramul Miah.

The case record is put up today as OP/ **Ekramul Miah** has been produced before this Court from Dinhata Subsidiary Correctional Home.

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/- (twenty seven thousand five hundred) 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 one month (30) days from today**. Be it mentioned herein 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 period.

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

Fix 03.11.2025 for appearance and payment.

(D/C by me)
SD./- Pranay Subba
ACJM, Dinhata

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ACJM, Dinhata