

Criminal Appeal No. 68 of 2025
CNR No. WBHW0100 3179 2025
Present: Abhijit Som
Sessions Judge, Howrah
J.O. Code – WB01127

Order No.02 dated 03.07.2025

The record is put up on prayer.

Ld. Advocate on behalf of the appellant moves an application praying for stay of the impugned order passed by the Ld. Magistrate on 30.06.2025.

It is submitted that the appellant has been paying an amount of Rs.20,000/- per month to the respondent No.2 (wife) in connection with an execution proceeding filed earlier. The said execution proceeding is filed for compliance of the order passed by the Ld. Magistrate in connection with an order of monetary relief under P.W.D.V. Act. Subsequently, the said order, passed by the Ld. Magistrate, was modified and the amount of maintenance was enhanced by the appellate court. In connection with the said order of the appellate court, another execution case is filed. In the said execution case, the impugned order is passed. It appears in the impugned order that the present appellant is directed to make payment of Rs.32,000/- by 04.07.2025 in default W.A. will be issued. It is submitted by the Ld. Advocate that without issuing D.W. the court cannot pass an order of W.A., more particularly, when the appellant is ready to pay the amount due. It is also submitted that the court ought to have considered the fact that the appellant has been making regular payment of Rs.20,000/- per month in connection with the earlier execution case. Therefore, an order of stay of the impugned order is sought for.

It is also found from the submission of the Ld. Advocate of the appellant that his client has preferred criminal revision before the Hon'ble Court in connection with the order of the appellate court, by which the maintenance amount was enhanced to Rs.32,000/-.

It is also found that the appellant has paid Rs.10,000/- on 30.06.2025. Having considered all aspect, this court is of the

view that an opportunity may be given to the appellant to pay the due amount and W.A. may not be issued at this stage.

Hence, it is,

O r d e r e d

that the impugned order dated 30.06.2025 is hereby stayed for a period of four (04) weeks hence, subject to payment of balance amount of Rs.22,000/- by 31st July, 2025.

To date.

Let a copy of this order be forwarded to the Ld. J.M., 5th Court, Howrah for information and necessary action.

Dictated & corrected by me

S. J.

Sessions Judge,
Howrah