

MISC EXE – 49/2024

Order Dated :16-01-2025

The o.p. viz. Sk. Saber Ali @ sk. Sabek is brought under arrest on the strength of warrant issued by this court.

It is an execution case and it was filed for maintenance of Rs.117500/-.

This case was filed on 05.03.2024. it appears from the record that the instant o.p has not paid a single penny in this case since its filing. As no one moved on behalf of the o.p. he is informed about the matter that he may take assistance of advocate from S.D.L.S.C at free of cost if he so wishes. Today o.p on being asked, denied in an unequivocal voice to pay anything in respect of this instant case. In my considered view the the status of petitioner is not of a beggar and she should not be expected to run from post to pillar for a valid claim which passed in favour of her by way of contesting format. Thus, the attitude of the o.p is indicating of the fact that he would not make any payment to the petitioner. His attitude may be alter and his obligation enforced if he is kept in jail. His detention would only compelled him to make payment what is due to the petitioner in this instant case.

Considering this facts and circumstances of the case escort has no other option but to follow the statutory provision of section 125(3) of cr.pc. With a view to comply the aforesaid provision the instant o.p. is sentenced to suffer simple imprisonment for one month or until payment if sooner made for single breach of the order of maintenance. Detention of the o.p. in c/w this case would be set off as per the provision of the section 428 cr. p.c..

To 28-02-2025 for further payment if not made earlier.

Issue jail warrant at once . Inform other side.

J.M. 1st Court Uluberia