

MX-90/2017

Present : Sri A Bose (J.O. Code : WBJO1491)

Order dated 05/03/2025

Record is put up today on the strength of put up petition filed by OP namely Sk Safijuddin who is in jail custody vide order dated 26.02.2025.

Ld Advocate has made a petition today that there is a medical exigency of the said OP as the OP is suffering from cancer and for that he needs chemo treatment and at this stage, he is only able to pay Rs. 10,000/- to the petitioner.

Ld Advocate of the OP further produced necessary medical documents regarding his medical exigencies and treatment needed.

Perused the same and let it be kept with the record.

Thus considering the petition and the documents on record, I hold that the essence of the provision Section 125(3) is not punishing the person rather a provision for comply the payment to the petitioner in the case of execution but considering the condition of the medical and health of the OP, I think fit that further medical treatment is necessary at this stage and thus it is hereby directed to the OP to deposit Rs. 10,000/- in judicial cash today in default remain in judicial custody.

It is hereby directed to the Ld Advocate of the Op to file the challan receipt before this court after depositing the money to judicial cash by today.

After payment if made, the said OP namely Sk Safijuddin will be released from the custody if not needed in any other cases.

To date (11.04.2025) for further payment of Rs. 10,000/-.

Petitioner is at liberty to withdraw the amount from judicial cash after deposit the same by the OP/accused.

Controller of Uluberia SD Correctional Home and GRO to inform.

J.M. 1st Court, Uluberia, Howrah

M EX-90/2017

Order Dated: 05/03/2025

It appears that the OP Sk Safijuddin deposited Rs 10,000 in favour of the petitioner in judicial cash as per order of Ld Court.

O.P. has also filed and undertaking to deposit payment on the next date and prays that he be released today.

The main purpose of the provision u/s 125 (3) is to realize the maintenance and not to penalize the OP. Considered.

I am inclined to set the OP free if not needed in any other case.

Hence, it is

ORDERED

The O.P namely Sk Safijuddin be released at once if not needed in any other case.

To date (11/04/2025) for payment of at least of Rs. 10,000/-.

Controller of SD Correctional Home, Uluberia to inform and to do needful.

J.M. 1st Court, Uluberia, Howrah