

Misc. Ex. No. - 29 of 2022  
CNR. No. WBHW 1200-1931-2022  
J.O Code: WB 00953

**Order dated – 07.08.2025**

The record is put up today as Opposite Party (hereinafter referred to as O.P.) namely **Arnab Dey** is produced before this Court today in view of the order passed by the Ld. Additional Chief Judicial Magistrate, Baruipur, South 24 Parganas.

Seen the original W/A, Inspection memo, memo of arrest, OPD ticket as well as the order sheet dated 06.08.2025 of Ld. Additional Chief Judicial Magistrate, Baruipur, South 24 Parganas for being part record of the same.

Let these be kept with case record and the part record be tagged with the case record.

One petition is preferred for and on behalf of the O.P. praying for an order suspending the imposition of sentence upon him with a further prayer of his release against payment of Rs.1,60,000/- in favour of the petitioner. Copy annexed as per endorsement. Let it be taken on record.

Heard the O.P. who is represented by his Ld. Lawyer. Perused the petition filed by O.P. as well as materials on record. Considered.

The case at hand is an execution proceeding. The legislative intent behind enacting a provision for execution proceeding in the Code of Criminal Procedure was to ensure realization of the maintenance if and when awarded to a petitioner so that fruits of his or her labour is not lost in the legal loopholes. It was never the legislative intent to curtail the liberty of a person under the garb of enacting an enabling provision for execution of maintenance order. Where the main aim of the legislature is to use the provision of imposition of sentence as a means to enforce payment, this Court would be acting against such legislative intent if this Court turns down prayer of the O.P. who upon making payment of Rs.1,50,000/- in the account of the petitioner in terms of the direction of Hon'ble High Court at Calcutta passed in ***CRR No. 3476 of 2024 and CRR No. 3477 of 2024***, prays for an order releasing him upon furnishing a bond in lieu of suspending the imposition of sentence upon him with an undertaking to make further substantial payment towards satisfaction of the claim under execution. The ultimate aim of a proceeding of the present nature is to ensure that petitioner is able to recover the fruits of her litigation for maintenance. Imprisonment is only a tool for ensuring compliance by delinquent O.P. Therefore, in light of the amount being paid today, I do not find it prudent to throw the O.P. into a cage as thereby chances of further payment would be nullified.

Hence, in the light of the observation made above the O.P. be released from custody having made payment of **Rs.1,50,000/-** to the petitioner through bank transfer into her account as more fully described in the order of the Hon'ble Court which is reflected from the pay-in slip submitted in the original duly accompanied by firisti, with a further condition to submit fine bond of **Rs.3,00,000/-** i.d. the sentence shall be imposed upon him.

The petition filed by O.P. is thus disposed of.

Further order shall be passed after payment is made.

**D/C by me.**

**A.C.J.M Uluberia**

**A.C.J.M Uluberia**

**Later:-**

After passing of the above order, O.P. also files fine bond of **Rs.3,00,000/-** which is found correct and accepted.

The imposition of sentence upon O.P. viz. **Arnab Dey** is suspended till **06.09.2025**.  
Release O.P. **Arnab Dey** at once.

**D/C by me.**

**A.C.J.M Uluberia**

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