

**Criminal Revision 26 of 2023**  
**CNR No. WBUD01-002333-2022**  
**J.O Code No. WB01277**

**Order No.07**

**Dated: 11.06.2024**

Today is fixed for hearing of the revisional application.

Revisionist/petitioner is present by Advocate's *hazira*.

None appears for the Opposite Party No.1 & 2 in spite of repeated calls.

State is duly represented.

Ld. Advocate for the petitioner/revisionist submits that owing to the passing of the impugned order, the interest of the petitioner has been seriously jeopardized and he has suffered irreparable injury.

On query from the Ld. Court, it is espoused from the end of the petitioner that in the parent proceeding, the Ld. Court below was pleased to pass an order of maintenance directing the petitioner being the OP therein to make payment of a sum of Rs.5,000/- (Rs.3,500/- for the principal respondent No.1 and Rs.1,500/- to the respondent no.2). It is also pointed out from the end of the revisionist/petitioner that in the instant case the Execution Case being Misc Execution no.16 of 2022 has already been initiated by the respondents before the Ld. Court of competent jurisdiction and if the said proceeding is not stayed then the very purpose of the relief claimed in the revisional application will lose their substance and force and the petitioner will suffer irreparable loss. To support his submissions on the above captioned subject, some documents have been filed today from the end of the petitioner by a *firisti*. Let the same be kept with the record.

On perusal of the contents of the case record, I find substantive merit in the submission advanced from the end of the petitioner pertaining to the relief of stay of the impugned order as prayed for. It is a settled legal proposition that a bounden duty is bestowed upon the Courts to adopt necessary measures for the protection of the subject matter of a litigation till the final adjudication of the same so as to protect the rights and interest of the parties. By giving due credence to

Contd. Order No. 7 dated 11.06.2024

this settled principle of law and applying the same to the facts and circumstance of the present case, I feel that an interim order of stay of the execution proceeding as well as the impugned order is to be accorded as a relief to the petitioner at the present moment so as to ensure the protection of his rights and interest arising out of the present proceeding. However, such relief can only be granted to the petitioner subject to fulfillment of a condition pertaining to a payment of the maintenance amount as directed by the Ld. Court below in the parent proceeding.

The impugned order dated 17.06.2023 passed in MR No.103 of 2019 as well as the execution proceeding being Misc Execution case No. 16 of 2022 shall remain stayed till the next date subject to the petitioner making a payment of **Rs.1,500/- as maintenance to the Opposite Party No.1** and **Rs.1,000/- to the OP no.2 being the minor child.** Such payment shall be made on or before the 5<sup>th</sup> day of every English Calender month.

Fix **27.11.2024** for hearing of the revisional application and filing of receipts in connection with the payment.

Dictated & Corrected by

Sessions Judge  
Uttar Dinajpur

Sessions Judge,  
Uttar Dinajpur