

18.05.2023
Item No.20
Suman
Ct.42

CRR 4694 of 2022

Biswajit Roy
Vs.
Tumpa Roy and Anr.

Mr. Asis Bhattacharya
Mr. B. Mitra
..for the petitioner

On perusal of the order dated 14th October 2022 passed by the learned Judicial Magistrate, 4th Court, Howrah it means to this Court that the learned Magistrate issued warrant of arrest against the opposite party on mere asking by the petitioner. Now, the facts. In Misc. Execution Case No. 7 of 2022 the learned Judicial Magistrate, 4th Court, Howrah passed an ex parte order of monetary allowance at the rate of rupees six thousand per month. The husband/petitioner filed an appeal under Section 29 of the said Act before the learned Sessions Judge challenging the ex parte order passed by the learned Magistrate, 4th Court, Howrah in Misc. Execution Case No. 7 of 2022. In the meantime, the wife/opposite party herein filed an execution case for rupees thirty thousand. After receiving the notice of the said execution proceeding the petitioner who is the

opposite party in the said Misc. Execution Case No. 7 of 2022 appeared before the trial Court on 12th October, 2022 and deposited a sum of rupees ten thousand in the name of the petitioner in the judicial cash of the criminal section of the said Court. On the following day, i.e., on 14th October, 2022 the petitioner/wife filed a put up petition and submits that she does not want rupees ten thousand which was paid by her husband. She wants warrant of arrest to be issued against her husband. Regarding such submission the learned Magistrate issued warrant of arrest against the present petitioner.

The instant revision is admitted.

The petitioner is directed to serve notice upon the opposite parties under registered speed post with A/D and file affidavit of service within two weeks after the vacation.

Execution of warrant of arrest be stayed till 15th August, 2023.

(Bibek Chaudhuri, J.)