

Court No. - 87

Case :- APPLICATION U/S 482 No. - 40252 of 2023

Applicant :- Smt. Manjhari Devi

Opposite Party :- State Of U.P. And 7 Others

Counsel for Applicant :- Anand Prakash Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Neeraj Tiwari,J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State.
2. This application under Section 482 Cr.P.C. has been filed for quashing the order dated 18.07.2023 passed in the Criminal Case No.4 of 2011 (Manjhari Devi vs. Suresh Rajbhar and others) and decide interim maintenance application no.216 of 2013, under Sections 12 (5) of Protection of Domestic Violence Act by the Additional Civil Judge, (Junior Division)/Judicial Magistrate, Mohammadabad, Ghazipur and enhance and add the instant maintenance in earlier amount, which was received by the applicant according to the ARMY Act, 1959 and ARMY Rules 2016 and also direct the court below to expedite and conclude the trial of the present case at an earliest.
3. Learned counsel for the applicant submits that applicant is the wife of opposite party No.2, who is Army personnel and as per Army Rules, she was receiving maintenance of 22 % amount from the salary of the opposite party No.2. During this period, she also filed complaint under Section 12 of D.V. Act, 2005, which was registered as Misc. Criminal Case No.4 of 2011 (Manjhari Devi vs. Suresh Rajbhar and others), upon which, order has been passed for interim maintenance of Rs.5000/- with condition that earlier amount, if any paid, shall be 'संयोजित' as per Rules. He next submits that according to the applicant the meaning of word 'संयोजित' is to add the earlier

amount, whereas it has been treated by the opposite party No.2 to deduct the same. Not only this, after passing of this order, she has also not receiving any payment under the Army Rules, therefore, direction may be issued to opposite party No.2 as well as Indian Army to pay amount.

4. Learned A.G.A. has pointed out that in the present matter Indian Army is not a party, therefore, no order may be passed against that and further so far as meaning or interpretation of word 'संयोजित' is concerned, it is always open for the applicant to move application for clarification.

5. Considering the facts and circumstances of the case, the application is **disposed of** with liberty to applicant to move application before the court concerned for clarification of word 'संयोजित'. In case, any such application is moved, the court concerned is directed to decide the application of the applicant within two weeks from the date of receipt of a certified copy of this order.

6. At this stage, learned counsel for the applicant submits that as both the parties appear before the court concerned, therefore, direction may be issued to decide the case at the earliest.

7. In light of the fact that both the parties are appear before the court concerned and further directed to expedite and conclude the trial of the present case, in accordance with law, maximum within a period of four months from the date of production of a certified copy of this order.

Order Date :- 29.11.2023

Amit/-