

GAHC010078772017



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.Rev.P./299/2017

MD. ABDUS SAMAD @ ABDUL SAMAD
S/O. AMIR HUSSAIN, VILL. UDALGURI, NEPALIGALI, P.O. and P.S. ORANG,
DIST. UDALGURI, BTAD, ASSAM.

VERSUS

MUSTT. YASMIN BEGUM
W/O. ABDUS SAMAD @ ABDUL SAMAD, VILL. SHAMDHARA, P.O. and P.S.
TEZPUR, DIST. SONITPUR, ASSAM.

Advocate for the Petitioner : MR. A ALI

Advocate for the Respondent :

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 03.04.2024

Heard Mr. M. U. Mahmud, learned counsel for the petitioner.

This is an application under Section 401 *read with* Section 482 of the Code of Criminal Procedure, 1973 against the judgment dated 11.08.2016, passed by the learned SDJM (S), Tezpur in M.R. Case No. 14/2014, under Section 125 Cr.P.C., whereby the petitioner was directed to pay maintenance allowances of Rs. 3,000/- per month to the first party and her son.

From the records, it reveals that after receipt of the notice, the respondent did not appear before this Court and the case proceeded in her absence.

Mr. Mahmud, learned counsel for the petitioner, submitted that the respondent/1st party obtained the order of maintenance by suppressing the fact that she is a lawyer in Tezpur Bar Association and hence the petitioner wants to file a petition for modification or cancellation of order passed by learned SDJM (S), Tezpur in M.R. Case No. 14/2014, under Section 125 Cr.P.C., due to change of circumstances. Accordingly, he submitted that as under the instruction of his client, he wants to withdraw this petition and prays for a liberty to file a petition under Section 127 Cr.P.C. before the learned Court below.

Considering the submission made by the learned counsel for the petitioner,

the present revision petition stands disposed of on withdrawal with a liberty granted to the petitioner to file appropriate application before the concerned Court below.

In terms of above, this criminal revision petition stands disposed of.

JUDGE

Comparing Assistant