

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.353 of 2014

Arising Out of PS.Case No. -null Year- null Thana -null District- MUZAFFARPUR

1. Md. Ibrahim @ Ebrahim, S/o Late Sujayat Miyan @ Dukhit Miyan, resident of village- Rajwara Halimpur, P.S.- Sahebganj, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Saimul Nisha, W/o Md. Ibrahim (as claimed), resident of village- Rajwara Halimpur, P.S. Sahebganj, District Muzaffarpur, presently residing at Village Amichhapra, D/o Mohamad Miya, P.S. Sahebganj, District Muzaffarpur.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Upendra Kumar Choubey, Advocate

For the Respondent/s : Mr. Durgesh Nandan, APP

Mr. Manoj Kumar Manoj, Advocate

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 13-08-2015

Delay in filing the application is condoned. I. A.

No.874 of 2014 stands disposed off.

A Supplementary Affidavit has been filed that the Petitioner has been taken into custody on 29.06.2015 pursuant to the Distress Warrant having been issued.

The Petitioner seeks revision of the ex parte order dated 04.05.2013 passed by the Principal Judge, Family Court, Muzaffarpur, in Maintenance Case No.213 of 2010 by which he has directed the Petitioner to pay a sum of ₹10,000/- (ten thousand) per month from the date of filing of the case i.e. 13.12.2010 and issued

Distress Warrant for recovery of ₹4,00,000/- (four lac) having become due upon the Petitioner.

It has been submitted on behalf of the Petitioner that he resides in village and is not in a position to pay the amount and hence, he was taken into custody. Further submission is that amount of maintenance be reduced to ₹1,000/- from ₹10,000/-.

Since amount of ₹1,000/- is too paltry, it is directed that a sum of ₹2,000/- (two thousand) be paid to the Opposite Party No.2 as maintenance from the date of filing of the case i.e. 13.12.2010.

Let the Petitioner, Md. Ibrahim @ Ebrahim, be released immediately since he undertakes to deposit ₹10,000/-(ten thousand) within a period of four weeks from the date of receipt of a copy of this order in the Court below. Thereafter, the Court below shall calculate the amount of maintenance @ ₹2,000/- per month and ensure payment of the same in instalment within next three months.

With the aforesaid modification in the quantum of maintenance, the revision application is dismissed.

(Anjana Prakash, J)

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