

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 45121 of 2012

Arising out of P.S. Case No. -0 Year- null Thana -null
District- MADHUBANI

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Dinesh Mandal, Son of Late Roop Chand Mandal, Resident of Bishal, P.S.-Tirpanti, Ishipur Baraht, District-Bhagalpur at present posted as Hawaldar at District-Police Line, Madhepura, District-Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Suchitra Devi, Wife of Dinesh Mandal, Resident of C/o Jahi Devi, Village-Bishal, P.S.-Ishipur Bishal, District-Bhagalpur.
3. Puja Kumari, Wife of Jano Kumar Mandal, Daughter of Dinesh Mandal, Resident of Village-Bishal, P.S.-Ishipur Bishal, District-Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Adv.

For the Opposite Party/s No. 2: None.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 22-09-2015

No one appears on behalf of the Opposite Party

No. 2.

The Petitioner seeks revision of the order dated 27.06.2012 passed in Cr. Rev. No. 101 of 2011 by which the Sessions Judge, Bhagalpur has dismissed the application on the ground of limitation in Misc. No. 77 of 1992.

It has been submitted that in an application filed for restitution of conjugal rights the private Opposite Parties had been granted maintenance. Subsequently, she produced an order of 1992 by which she had been

granted maintenance the order of which the Petitioner had not complied. He therefore moved the Sessions Judge who was of the view that the application was hit by the rules of limitation and, hence, did not entertain the same.

Since the Application was dismissed on technical grounds, I would direct the Principal Judge, Family Court, Bhagalpur to decide the issue finally also on the point that the Petitioner was not noticed in the earlier proceeding. The same shall be exercised within a period of four months from the date of receipt of this order.

In the meanwhile, no coercive steps shall be taken against the Petitioner in connection with Misc. Case No. 77 of 1992 pending before the Principal Judge, Family Court, Bhagalpur.

The Application stands disposed off with the aforesaid observations.

(Anjana Prakash, J.)

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