

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.49 of 2013

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

1. Bibi Khalida Khatoon @ Bibi Khalda Khatoon, D/O late Jameel Ahmad, W/O Md. Maqsood Alam Asharfi, at present residing at Mohalla Banka Bazar, Ward No. 8/10, P.S- Banka, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar
2. Md. Maqsood Alam Ahsrifi, S/O Md. Mahmood Alam Asharfi, R/O Village Machhipur, P.S- Lodipur, District- Bhagalpur, at present posted as S.H.O Of Bihro, Police Station- District- Saharsa.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Satish Chandra Mishra, Advocate

For the Respondent/s : Mr. Sanjeet Kumar, Advocate

APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 08-04-2015

The Petitioner seeks quashing of the order dated 12.10.2012 passed by the 1st Additional Sessions Judge, Banka, in Cr. Appeal No.58 of 2012 by which he has set aside the order dated 10.04.2012 whereby the Sub-Divisional Judicial Magistrate, Banka, in Misc. Case No.10 of 2011 had granted the benefit of Section 17 of Protection of Women from Domestic Violence Act, 2005, and ordered for shared household.

Background facts is that Petitioner married Opposite Party No.2 after his previous wife, who was her own sister, died at child birth in the year 2001. Till 2003, they remained together and thereafter she

was ousted from the matrimonial home along with her daughter. Since then she is living in the maternal home. She had filed Maintenance Case No.58 of 2006 before the Principal Judge, Family Court, Bhagalpur, who by its order dated 21.06.2007 allowed maintenance of ₹1500/- to the daughter of the Opposite Party No.2. While the Petitioner states that the Opposite Party No.2 has not deposited the money regularly from 2007, the Opposite Party No.2 refutes such allegation.

Be that as it may, the Superintendent of Police, Madhepura, is directed to pass order for deducting a sum of ₹8,000/- per month from now from the salary of the Petitioner and remit the same to the Account No.849070 of the daughter of the Opposite Party No.2, namely, Sania Ashrafi.

The Principal Judge, Family Court, Bhagalpur, is directed to calculate the entire arrears of maintenance of daughter of the Opposite Party No.2 in Maintenance Case no.58 of 2006 and forward the same to the Superintendent of Police, Madhepura, who shall further direct for deduction of the amount, in question, in instalments and get it deposited in the account of daughter of the Petitioner mentioned above. The Principal Judge shall also forward the details of the account number, name of the bank etc.

Once the Opposite Party No.2 is transferred from Madhepura district, proper communication shall be sent to the

Superintendent of Police of the district concerned where the Petitioner is transferred for proper compliance of the order.

From now, the Petitioner is not required to abide by the order of the Principal Judge, Family Court, Bhagalpur, with regard to payment of maintenance to the daughter.

The application stands disposed off with the aforesaid observation/direction.

(Anjana Prakash, J)

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