

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Revision No.333 of 2015 (O&M)

.....

Date of decision:30.1.2015

Rajinder Kumar and others

...Petitioners

v.

Abhilasha and another

Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Sandeep Chopra, Advocate for the petitioners.

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Inderjit Singh, J.

This criminal revision petition has been filed under Section 401 Cr.P.C. challenging the impugned order dated 8.12.2014 passed by learned Additional Sessions Judge, Patiala, whereby the appeal filed against the impugned order dated 4.7.2014 passed by learned Judicial Magistrate Ist Class, Patiala, has been dismissed.

It is mainly stated in the revision petition that the impugned order dated 7.4.2014 passed by the learned Judicial Magistrate Ist Class, Patiala and the order dated 8.12.2014 passed by the learned Additional Sessions Judge, Patiala, are against the facts and circumstances of the case and also law on the point and are thus liable to be set aside.

I have heard learned counsel for the petitioners and have gone through the record.

From the record, I find that against the order dated 4.7.2014 passed by the learned Judicial Magistrate Ist Class, Patiala, an appeal was

filed, which was also dismissed by the Court of learned Additional Sessions Judge, Patiala. Now this revision petition has been filed against the order of the learned Additional Sessions Judge.

A perusal of the record shows that in the present revision petition, the petitioners have not challenged the order regarding grant of maintenance. Only the order dated 4.7.2014 has been challenged, vide which the Court held that the defence of respondents No.2 to 4 in that case has not been struck off, but one opportunity was given to the respondents to make the payment of arrears of maintenance and to contest the case. It is discretion of the Court. There is no law or any provision that the defence must be struck off or the defence should not be struck off. In the present case rather, the Court in the interest of justice gave one opportunity instead of striking off the defence. No illegality has been pointed out in the order passed by the learned Judicial Magistrate Ist Class, Patiala. Similarly, in the appeal, the learned Additional Sessions Judge, Patiala, has discussed the earlier order also, the law and the provisions on the point and found no illegality in the order dated 4.7.2014. A perusal of the order shows that no illegality has been committed and the orders passed by the Courts below are correct and as per and law which do not require any interference from this Court and the same are upheld.

Therefore, finding no merit in the criminal revision petition, the same is dismissed.

January 30, 2015.

(Inderjit Singh)
Judge

hsp