

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1383 of 2016**

**In
MA 90 of 2015**

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Bhawani Thakur

.... Appellant/s

Versus

Naveen Kumar Thakur

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ram Prawesh Kumar

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER**

3 19-12-2016 Heard the learned counsel for the petitioner.

This application has been filed under Article 227 of the Constitution of India by the petitioner praying for setting aside the order dated 12.01.2015 passed by Addl. Principal Judge, Family Court Katihar in Maintenance Case No.74 of 2013 which was filed under Section 125 Cr.P.C.

A Division Bench of this Court in the case of ***Raj Kumar Sah Vs. State of Bihar 2008 (4) PLJR 817*** has held that ‘orders passed by Family Court under Chapter IX of Code of Criminal Procedure is revisable under Section 19(4) as a criminal revision. Order passed by Family Court in an application under Section 125 Cr.P.C. a revision under Section 19(4) is fit to be registered as Criminal Revision.’

Now, therefore, in view of this Division Bench decision, if



final order is passed then it is revisable under the Code of Criminal Procedure and if any interim order is passed then how Civil Misc. application is maintainable. If it is an order passed by a Court in a Criminal proceeding then naturally petitioner has got the remedy under the Code of Criminal Procedure itself.

In view of this Division Bench decision, the learned counsel for the petitioner seeks permission to convert this Civil Misc. application to as an appropriate criminal proceeding before this Court within two weeks after X-mas holidays. Permission is accorded.

(Mungeshwar Sahoo, J)

Sanjeev/-

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