

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.851 of 2014

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Sainullah Mian, S/o Ganni Mian, resident of Village- Bishambharpur, P.S.- Dhaka,
District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Bibi Khatoon Nessa, W/o Sainullah Mian, D/o Late Isa Mohammad Ansari,
resident of Village- Bishambharpur, P.S.- Dhaka, District- East Champaran.

.... Respondent/s

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Appearance :

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

For the O.P. No. 2 : Mr. Virendra Kuar, Adv.

For the Respondent/s : Mr. Gopesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT & ORDER

Date: 09-02-2017

Heard the parties.

2. This application has been preferred against the order, dated 13.08.2014, passed in Maintenance Case No. 326 of 2008/M.C. No. 53 of 2010, whereby, the learned Principal Judge, Family Court, East Champaran, at Motihari, has rejected the petitioner's application filed under Section 126 of the Code of Criminal Procedure.

3. It transpires from the materials on record that



earlier by an order, dated 05.02.2005, learned Sub-Divisional Judicial Magistrate, Sikraha, at Dhaka (East Champaran) had directed the petitioner to pay maintenance allowance @ Rs. 1,000/- per month to opposite party No. 2. The opposite party No. 2 had preferred revision application before learned Additional Sessions Judge, Fast Track Court No.-V, Motihari, against the said order, dated 05.02.2005, which was set-aside *vide* an order, dated 04.08.2006, on the ground of the same being an *ex-parte* order. The said order passed by learned Additional Sessions Judge, dated 04.08.2006, was challenged by opposite party No. 2 before this Court, being Cr. Revision No. 65 of 2007, which came to be dismissed of by an order dated 01.09.2008, whereby, this Court had refused to interfere with the impugned order. Subsequently, the said Maintenance Case No. 326 of 2008 came to be finally disposed of by the learned Principal Judge, Family Court, Motihari by an order, dated 01.06.2009, whereby, the petitioner was asked to pay monthly maintenance @ Rs. 1,000/- with effect from 12.07.2002. The petitioner, thereafter, challenged the said order before this Court by filing Cr. Revision No. 48 of 2012, which came to be disposed of by an order, dated 10.12.2013, with an observation that the petitioner may seek relief, in terms of Section 126 of the Code of Criminal Procedure,



before the court below within a period of four weeks from the said date. The petitioner, thereafter, filed an application before the court below, but beyond stipulated period of four weeks time, as granted to him. In such circumstance, learned Principal Judge, Family Court, East Champaran, at Mothihari, has rejected the petitioner's application.

4. I do not find any reason to interfere with the impugned order. This application has no merit and is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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