

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45092 of 2014

Arising Out of Miscellaneous Case No.-16 Year- 2007 Thana – Barari District- BHAGALPUR

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Abdul Qayum Son of Late Abdul Halim, resident of mohalla - Jabbarchak, P.S.
Tarapur, District – Bhagalpur. Petitioner/s

Versus

1. Bibi Mehar Ata Khatoon D/o Haji Md. Aslam, resident of village - Fatehpur,
P.S. Barari, Industrial Estate in the District of Bhagalpur.
 2. The State of Bihar.
 3. Md. Ashraf son of Abdul Quayum, resident of village-Fatehpur, PS-Barari,
Industrial Estate in the district of Bhagalpur. Opposite Party/s
- =====

Appearance :

For the Petitioner/s : Mr. Abdul Wadood, Advocate
For the O.P. Nos. 2 and 3 : Mr. Najmul Hoda, Advocate
For the State : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 09-10-2017

1. This criminal miscellaneous application under section 482 of the Code of Criminal Procedure has been filed to quash the order dated 22nd September 2014 passed by the learned Principal Judge, Family Court, Bhagalpur in Miscellaneous Case No. 16 of 2007 whereby and whereunder the learned Principal Judge has directed the Office to issue a letter to the Deputy Development Commissioner, Bhagalpur for payment of monthly maintenance to the opposite party no. 1 after deducting the amount from the account of the petitioner.

2. Heard learned counsel for the petitioner, learned Additional Public Prosecutor for the State and perused the record.

3. The petitioner is husband of opposite party no. 1 against whom a Maintenance Case No. 16 of 2007 was filed by the opposite party No.1. The learned Principal Judge, as per order dated 23.03.2013, directed



the petitioner to make payment of maintenance amount to the opposite party no. 1 and her minor son till he attains majority and her daughter till she is unmarried. The petitioner challenged the said order before this Court by filing Criminal Revision No. 577 of 2013. This Court after hearing both sides, disposed of the said criminal revision and directed the Principal Judge to pass appropriate order directing the Deputy Development Commissioner, Bhagalpur for realising the salary of the petitioner if at all it has been stopped in pursuance to the order dated 16th December 2013 passed by the learned Principal Judge with a condition that such realised amount will be transferred in the account of opposite party no. 1 for realisation of up-to-date maintenance amount deducting the amount of maintenance already paid by the petitioner. The learned Principal Judge in pursuance of direction of this Court, has rightly passed an order dated 22nd September 2014 directing the Office to write a letter to the Deputy Development Commissioner for deducting the maintenance amount from the account of the petitioner and paying the same to the opposite party no. 1 as monthly maintenance.

4. In view of the above facts, I do not find any merit in this criminal miscellaneous application. Accordingly, this application is dismissed.

(Sanjay Kumar, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	12.10.2017
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