

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.930 of 2014

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Pravin Kumar Singh @ Pravin Kumar, Son of Sri Surendra Prasad Singh, Resident
of Mohalla - Bhatta Bazar, P.S. - K. Hat, District – Purnia.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Neha Singh @ Priyanka, Wife of Sri Prawin Kumar Singh of Mohalla - Bhatta
Bazar, P.S. - K. Hat, District – Purnia, at present residing with her widow Mother in
the house of Sri Sanjay Sharma of Mohalla - Nawratan Hata, P.S. - K.Hat, District
– Purnia.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Adv.
Mr. Kamal Kishore Jha, Adv.

For the O.P. No. 2 : Mr. Ravindra Kumar, Adv.
Mr. Dhananjay Kumar, Adv.

For the State : Mr. Ram Bachan Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL JUDGMENT & ORDER

Date: 24-07-2017

The petitioner assails an order, dated 12.08.2014,
passed by the learned Principal Judge, Family Court, Purnia,
in Maintenance Case No. 30 of 2005, whereby, the petitioner



has been directed to pay a sum of Rs. 5,000/- per month, as maintenance allowance, to opposite party No. 2.

2. Apart from challenging the legality of the impugned order, learned counsel for the petitioner has drawn by attention to a judgment and decree, dated 08.05.2015, passed by the learned Principal Judge, Family Court, Purnia, whereby, the court below has decreed the suit for divorce on the ground of desertion on the part of opposite party No. 2. He has submitted that since the decree of divorce has been granted on the ground of desertion, opposite party No. 2 is not entitled to any maintenance allowance under Section 125 of the Code of Criminal Procedure (*in short 'Cr.P.C.'*).

3. Evidently, since the judgment and decree passed in matrimonial case, granting divorce, are subsequent to passing of the impugned order, dated 12.08.2014, under Section 125 Cr.P.C., the said order cannot be a ground for holding the order allowing maintenance, under Section 125 Cr.P.C., to be illegal or erroneous requiring this Court's interference. This is a subsequent development, which situation has been taken care of by Section 127 Cr.P.C. In my view, the petitioner can approach the court below under



Section 127 Cr.P.C. in the changed circumstance, seeking necessary orders from the court below.

4. The application stands disposed of accordingly.

(Chakradhari Sharan Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
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