

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.561 of 2017

=====

Md. Jahir Jamindar @ M. Jahir Jamindar, Son of Late Yashin Jamindar
Resident of village – Bathua Bazar, P.S. Fulwariya and District – Gopalganj
(Bihar).

.... Petitioner/s

Versus

1. The State of Bihar
2. Anish Fatima Wife of Md. Jahir Jamindar and Daughter of late Abdul Rahman Resident of village – Batha Bazar, P.S. Fulwariya, District – Gopalganj, presently resident of village – Kajipur, P.S. – Fulwariya and District – Gopalganj.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Verma

For the Opposite Party/s : Mr. Smt. Indu Bala Pandey

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 18-01-2017

The present application has been filed for modification of order dated 14.03.2013 passed in Cr. Misc. No. 6339 of 2013 to the extent of slashing down the undertaken amount of Rs.10,000/- per month to the complainant from April, 2013 on the ground that in CIS Case No.-Maintenance 776/2013/Old Case No.- Maintenance 83/2012 learned Principal Judge, Family Court, Gopalganj ordered for payment of



Rs.1,000/- per month as maintenance with effect from the date of filing of the maintenance application i.e. 10.04.2012 and the arrears were directed to be paid within a period of two months.

It appears that the aforesaid order of payment was made on readiness of the petitioner to make payment since the complainant is suffering from cancer. The aforesaid payment was subject to any order being passed in matrimonial or maintenance proceedings.

It appears from the order of learned Principal Judge, Family Court, Gopalganj passed in CIS Case No.- Maintenance 776/2013/Old Case No.- Maintenance 83/2012 that maintenance allowance of Rs.1,000/- is being awarded on consideration of this fact that the complainant is getting Rs.10,000/- in pursuance to the order passed by this Court. It further appears that the petitioner earlier filed Cr. Misc. NO. 46167 of 2014 for modification of order dated 14.03.2013 passed in Cr. Misc. No. 6339 of 2013 which stood dismissed for non-prosecution vide order dated 12.08.2015, though it was prior to the passing of the order in the maintenance proceeding.

In the circumstances, this Court finds no merit in the present modification application and accordingly, it is dismissed.



Let the order be transmitted to the court of
learned Judicial Magistrate, Ist Class, Gopalganj in connection
with Compalint Case No. 752 of 2011.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--

