

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1264 of 2017

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Md. Firoz Alam son of Md. Mumtaz Shah resident of Village : Itawa,
Parsathua, P.S. : Kochas, District : Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ajum Khatoon wife of Md. Firoz Alam, D/o Imtiyaz Sah @ Jhunnu
resident of Village : Itawa, Parsathua, P.S. : Kochas, District : Rohtas, at
present resident of Village : Sonwarsa, P.S. : Kudra, District : Kaimur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Roy

For the Opposite Party/s : Mr. Sri Satya Nand Shukla

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

02/ 22-05-2017

The present application has been filed for
quashing the order dated 26.08.2016 passed by learned Principal
Judge, Family Court, Kaimur at Bhabua in Maintenance Case No.
84 of 2015, whereby the petitioner was directed to make payment
of interim maintenance of Rs.3,000/- per month to opposite party
no. 2 in a proceeding under Section 125 of the Code of Criminal
Procedure.

In view of the ratio laid down by the Division
Bench in the case of Md. Akil Ahmad Vs. State of Bihar, reported
in 2016(4) PLJR, 968 against the interim order of maintenance
granted under Section 125 Cr.P.C. the remedy available to the
petitioner is writ application under Article 227 of the Constitution



of India.

Hence, learned counsel for the petitioner is permitted to convert this application into an application under Article 227 of the Constitution of India within a period of one week after annual vacation, failing which this application shall stand dismissed without further reference to the Bench.

(Dinesh Kumar Singh, J)

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