

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52874 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District- SASARAM (ROHTAS)

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Md. Akhtar hussain @ Akhtar Hussain Son of Md. Khalil Ansari Resident of
Village- Jalalpur, P.S.-Raviganj, P.O. Bhagwan Bazar, District- Saran (Chapra).

.... Petitioner

Versus

1. The State of Bihar.
2. Md. Samsuddin Son of late Md. Rukmon Resident of Vidhut Colony Tar Bangla, Dehri-on-Sone, P.O.+P.S. Dehri -On-Sone, District- Rohtas.
3. Dolly, D/o late Afsana Praveen , Minor under the Guardianship of Md. Samsuddin Resident of Vidhut Colony Tar Bangla, Dehri-on-Sone, P.O.+P.S. Dehri -On-Sone, District- Rohtas.

.... Opposite Parties.

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Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar, Advocate Mr. Rajesh Kumar Singh, Advocate
For the State	:	Mr. Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT
Date: 06-09-2017

This application under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.') challenging the order dated 19.09.2016 passed in Maintenance Case No. 42 of 2009 by the Principal Judge, Family Court, Rohtas at Sasaram, is totally misconceived.

2. By order dated 22.05.2013, the petitioner was directed to pay Rs.2000/- per month as maintenance allowance to opposite party no.3 in exercise of power under Section 125 of the Cr.P.C. by the Principal Judge, Family Court, Rohtas at Sasaram. The said order dated 22.05.2013 was challenged by the petitioner before this Court,



vide Cr. Misc. No. 34549 of 2014, which was dismissed long back. The subsequent order dated 19.09.2016 passed by the learned Principal Judge is for payment of arrear of maintenance allowance, which accrued due to non-payment of the maintenance allowance, as directed by the court, vide its order dated 22.05.2013.

3. Once, the order on the basis of which the subsequent order had been passed by the court below, was already challenged and dismissed by this court, the petitioner cannot be allowed to raise any grievance in respect of the consequential order.

4. In that view of the matter, the application, being meritless, is dismissed.

(Ashwani Kumar Singh, J.)

Kanchan/-

AFR/NAFR	NAFR
CAV DATE	NA
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