

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5040 of 2017

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Md. Sahnawaz @ S. Nawaj

.... Petitioner/s

Versus

State of Bihar & Anr.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Advocate.

Mr. Sanjeet Kumar Singh

For the O. P. No. 2 : Md. Kamal Nadin, Advocate.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

4 02-08-2017 Heard learned counsel for the petitioner as well as

learned counsel appearing on behalf of the O.P. No. 2.

The petitioner has challenged the order of rejection of his petition dated 16.11.2016 filed Section 126(2) of the Cr.P.C. for setting aside the *ex parte* order of maintenance dated 06.06.2016 passed in Maintenance Case No. 13M of 2015.

Submission of the learned counsel for the petitioner is that the impugned order is final order, so in view of Section 19 of the Family Court's Act, 1984, appeal lies against the final judgment or order passed by the Family Court. As such, petitioner seeks to convert this application into miscellaneous appeal.

So, let this application be converted into miscellaneous appeal and thereafter it may be listed before an appropriate Bench after obtaining order of Hon'ble the Chief Justice.

In the meanwhile, implementation of the order dated



06.06.2016 passed in Maintenance Case No. 13M of 2015 is stayed till 5th September, 2017 subject to payment of 30% of the maintenance amount including the accrued arrears by the petitioner as earlier such relief was granted by order dated 19.05.2017.

(Arun Kumar, J)

Sujit/-

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