

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.787 of 2014

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Sudhir Lal, Son of Late Prakash Lal Resident of Village - Barkatta,
P.O. & P.S. - Barkatta, District - Hazaribag (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sharda Devi, Wife of Sudhir Lal, Daughter of Baijnath Lal,
Resident of Village + P.S. Simra, District- Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.

For the Respondent/s : Mr. R.P.S. Singh, APP

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

ORAL JUDGMENT & ORDER

Date: 12-01-2017

Heard the parties.

This criminal revision application, under Section 397 read with Section 401 of the Code of Criminal Procedure, was filed in the year 2014. From the order-sheet, I find that at least on three occasions, adjournments had been sought and granted by this Court. On 01.12.2014, when the matter was taken up, there was no representation on behalf of the petitioner. Today also prayer for adjournment on behalf of the petitioner is being made.



The prayer in the aforesaid background is refused.

I have perused the record.

The petitioner has filed this application against the order, dated 26.07.2014, passed by the learned Principal Judge, Family Court, Aurangabad, in Guardianship Case No. 8 of 2013, whereby, he has directed the petitioner to handover the custody of child, namely, Sonam Kumar, to opposite party No. 2. The petitioner and opposite party No. 2 are husband and wife.

From the impugned order, I find that considering the fact that the child was found to be below five (5) years, taking into account the welfare of the minor as paramount consideration, the learned court below had concluded that custody of the minor should be with the mother. After having directed so, learned court below has passed the following order:-

"It is clarified that the order will remain effective till attaining the age of five years by the minor and after that the applicant shall produce the child before the court concerned having jurisdiction so that further order as to custody of the child may be passed. As during argument the O.P. has challenged the jurisdiction of this court to this case, so the following preliminary issue as to jurisdiction is being made and both the



parties are directed to adduce relevant material or evidence relating to the issue.”

I do not find it to be a fit case for interference by this Court.

This application has no merit and is, accordingly, dismissed.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

AFR/NAFR	NAFR
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