

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.233 of 2015

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Surendra Singh, Son of Nagina Singh, resident of village Chhatwara Raiman,
Police Station Mahua, District Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Ranjana Devi, Wife of Surendra Singh, Daughter of Jai Narayan Singh, resident
of village Shadipur Police Station Bangara, District Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Kr. Alok, Adv.

For the Respondent/s : Mr. B.N. Panday, APP

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

ORAL JUDGMENT

Date: 16-03-2017

Heard the parties.

2. The order, dated 16.08.2013, passed in Maintenance
Case No. 58 of 2009, by the learned Principal Judge, Family Court,
Samastipur, allowing monthly maintenance @ Rs. 4,000/- per month
in favour of opposite party No. 2 (wife) and Rs. 1,000/- per month in
favour of the minor daughter of opposite party No. 2, is being assailed
in the present criminal revision application.

3. It is the plea of the petitioner that the said order is *ex-
parte*. It has secondly been submitted that opposite party No. 2 has



solemnized second marriage.

4. In my view the petitioner has remedy under Section 126 of the Code of Criminal Procedure, if, according to him, the petitioner had not willfully absented himself from the proceedings of the court below. Under Section 127 of the Code of Criminal Procedure, the petitioner can also apply for alteration in allowances so awarded by the court below. I do not intend to interfere with the impugned order in the present facts and circumstances.

The petitioner shall have the liberty to take recourse in the said provisions under Sections 126 and 127 of the Code of Criminal Procedure. It is indicated that if any question of limitation arises, the court below shall consider that the petitioner was pursuing his remedy before this Court by filing present criminal revision application. It is also indicated that Section 5 of the Limitation Act has application while considering an application under the proviso to Section 126 of the Code of Criminal Procedure.

5. This application stands disposed of accordingly.

(Chakradhari Sharan Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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