

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.521 of 2015

=====

Priyanka Kumari @ Priyanka Singh @ Guria, W/o Rahul Raj, D/o Anil Singh, resident of Mohalla- Yarpur, Tripolia, Near the house of Akhilesh Singh, P.S. - Gardanibagh, District- Patna.

.... Appellant

Versus

Rahul Raj, S/o Rana Mahendra Prasad Singh, R/o Mohalla- Surbhi Vihar, Bhatipur More, New Bypass Road, P.S. Ram Krishna Nagar, District- Patna.

.... Respondent

=====

Appearance :

For the Appellant : Mrs. Kumari Jyoti, Advocate.

For the Respondent : Mr. Chandra Shekhar Singh, Advocate.

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

3 21-03-2017 After some argument, learned counsel for the appellant seeks leave to withdraw this memo of appeal. However, it is also stated that a demand draft for payment of amount of permanent alimony after decree of divorce granted in favour of the sole respondent was tendered before the court below but she could obtain the demand draft belatedly due to which the same could not be encashed.

Learned counsel for the appellant seeks direction from this Court that the respondent withdraws the demand draft from the court below and thereafter tenders a fresh/validated demand draft. However, learned counsel for the respondent submits that



though the decree of divorce is granted and the respondent has tendered the alimony amount also but the appellant is still continuing with the criminal case filed under Sections 498A, 312/34 of the Indian Penal Code and 3/4 of Dowry Prohibition Act being Sessions Trial No. 592 of 2014 arising out of Ram Krishna Nagar P.S. Case No. 19 of 2010. Learned counsel for the appellant submits that she would be filing an application for withdrawal of the said case within a period of ten days.

Accordingly, in view of such assertion made on behalf of the parties, this appeal is disposed of as withdrawn. However, the respondent is directed to take back the demand draft deposited by him and deposit fresh demand draft of the amount for which the earlier draft was tendered, or re-tender the same after getting it validated from the concerned Bank. This should be done, as per undertaking, after the appellant files an application before the trial court for withdrawal of the criminal case on which the trial court would be at liberty to proceed in accordance with law.

(Dr. Ravi Ranjan, J)

Md. Ibrarul/-

(Vikash Jain, J)

U			
---	--	--	--

