

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34586 of 2016

Arising Out of PS. Case No.-21 Year-2013 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Ramadhar Singh, Son of- late Surya Shekhar Singh, Resident of Village-
Mohanpur, P.S.- Muffasil, District-Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar,
2. Babita Kumar, Wife of- Late Krishna Kumar Singh @ Gopal Singh, Resident
of Village- Mohanpur, P.S.- Muffasil, Dist- Begusarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal
For the Opposite Party/s : Mr. Sri Ajay Kumar -2

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 27-08-2018 Heard learned counsel for the petitioner and the State.

The petitioner is aggrieved by the order dated 18.4.2015 passed by learned Judicial Magistrate 1st Class, Begusarai under the provisions of Domestic Violence Act, 2005 (for short 'the Act') by which he has ordered for payment of Rs. 2,000/- as interim maintenance to the complainant and her minor child. The petitioner has challenged the aforesaid order by filing appeal before the learned Sessions Judge which was also rejected by order dated 28.1.2016.

It appears that husband of the complainant has died. Petitioner is father-in-law of the complainant and he is not looking after the complainant and her minor child. Learned



counsel for the petitioner has submitted that partition had already taken place between the son and this petitioner and in terms of Section 2 of the Act, he is not responsible to make any payment as he does not come within the purview of the Act.

This Court finds that after the death of the husband of the complainant father-in-law is not maintaining the daughter-in-law and her minor child. From perusal of the impugned order dated 18.4.2015, it appears that learned court below has passed interim order only and not the final order.

Therefore, this Court is not inclined to interfere with the impugned order dated 18.4.2015 passed by learned Judicial Magistrate 1st Class, Begusarai.

This Cr. Misc. petition is, accordingly, dismissed.

(Sanjay Priya, J)

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