

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14696 of 2016

Arising Out of PS.Case No. -1408 Year- 2014 Thana -COMPLAINT CASE District- KISANGANJ

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Md. Azad @ Md. Azad Alam son of Md. Juffer Alam, resident of village-Salguri, P.S.- Sukhani, District- Kishanganj

.... Petitioner/s

Versus

1. The State of Bihar
2. Tabasum Praveen wife of Md. Azad, daughter of Md. Jakir, resident of Salguri, P.S.- Sukhani, District- Kishanganj at present resident of Sisha Garhi, P.S.- Powakhali, District- Kishanganj

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Sinha, Advocate
For the State : Mrs. Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 12-01-2018 This application under Section 482 of the Code of Criminal Procedure has been filed by the petitioner for quashing the orders dated 26.06.2015 and 15.02.2016 passed by the learned Judicial Magistrate, 1st Class, Kishanganj in Complaint Case No.1408 of 2014 by which the learned Magistrate has directed the petitioner to pay interim maintenance of rupees two thousand four hundred per month and issued distress warrant against him respectively in a case instituted under the Protection of Women from Domestic Violence Act, 2005 (for short 'the Act').

At the outset, an objection has been raised by the learned counsel for the complainant that against any order under the Act,



remedy of appeal is available under Section 29 of the Act before the Sessions Judge. He submitted that in view of statutory remedy being available to the petitioner, the present application is not maintainable.

Learned counsel for the petitioner having realized the law in respect of challenge to be made against any order passed under the Act, learned counsel for the petitioner seeks leave to withdraw the present application with liberty to file an appeal under Section 29 of the Act before the Session Court against the orders impugned.

Leave is granted.

The application is disposed of.

(Ashwani Kumar Singh, J)

Md.S./-

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