

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.91 of 2019

Archana Kumari

... .. Appellant/s

Versus

Shailesh Sharma

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anuj Kumar
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
and
HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH)

3 04-09-2019 The present Miscellaneous Appeal has been preferred against the order dated 17.06.2017 passed by the learned Addl. Principal Judge, Patna in Maintenance Case No. 127M of 2007, whereby the issue of maintenance under Section 125 Cr. P.C., has finally been decided.

Though the present miscellaneous appeal has been converted from Civil Revision to a Miscellaneous Appeal vide order dated 15.01.2019, however, it appears that the ratio laid down in the case of *Raj Kumar Sah Vs. The State of Bihar and Anr.*, reported in *2008 (4) P.L.J.R. 817*, was not brought to the notice of the Court and hence, this appeal.

In the circumstances, the learned counsel for the appellant is permitted to convert the present Miscellaneous



Appeal into Criminal Revision Application under section 19(4) of the Family Courts Act, 1984 in view of the ratio laid down in the case of ***Raj Kumar Sah Vs. The State of Bihar and Anr.***, reported in ***2008 (4) P.L.J.R. 817***, by 23rd September, 2019, failing which this appeal shall stand dismissed without further reference to the Bench.

On conversion, the present Miscellaneous Appeal shall stand disposed of and the Criminal Revision application shall be treated to be filed within time in view of the fact that the original criminal revision was filed in time.

(Dinesh Kumar Singh, J)

(Arvind Srivastava, J)

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