

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.731 of 2016

Arising Out of PS. Case No.- Year- Thana- District-

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Soni Devi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sukdeo Thakur @ Sudeo Thakur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar, Advocate
For the Respondent/s : Mr. Jitendra Kumar Singh , A.P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 06-02-2019 Heard the parties.

This application has been filed against the order dated 04.05.2016 passed in Maintenance Case No. 128 of 2013(Trial No. 155 of 2014) passed by the Court of Principal Judge, Family Court, Araria whereby the Court has been dismissed the petition, filed under the provisions of Section 125 Cr.P.C..

Learned counsel for the petitioner is present but nobody appears on behalf of the Opposite Party No. 2 today and on the last date also nobody appeared on behalf of the Opposite Party but last chance was given to Opposite Party No. 2.

The case of the petitioner is that she was married with Opposite Party No.2 on 23.05.2011 and remained one month in the house of Opposite Party No. 2 and thereafter, she



was subjected to torture and she was ousted from her house due to non fulfillment of demand of dowry of Rs. two lacs and she filed maintenance case for demanding Rs. 10,000/- per month for her maintenance.

It further appears that the Opposite Party No.2 filed a written statement denying the allegation against the Opposite Party No.2 and stated that she left herself her matrimonial house and still he is ready to keep the petitioner with him.

It further appears that four witnesses have been examined on behalf of the petitioner and two witnesses have been examined on behalf of the Opposite Party No.2 and the learned family Court after considering the materials, available on record, the Court came to the conclusion that petitioner has failed to proof that she was subjected to torture with cruelty rather the Opposite Party No. 2 still ready to keep her with full dignity and in lieu of the Maintenance case filed by the petitioner, the present case is lodged. It has also been submitted that the learned Family Court has failed to consider that the petitioner was in danger in the house of the Opposite Party No.2 and further stated that she was ousted from her house and she lives in other house.

No body appears on behalf of the Opposite Party No.



2 today and also on last day, though he has appeared in this case by filing Vakalatnama.

In view of the above facts and circumstances, it appears that the learned Court below without considering all relevant records properly, dismissed the petition, filed by the petitioner.

In such view of the matter after considering the discussions made above, this revision application is allowed and matter is remitted to Family Court, Araria for deciding it afresh, after granting an opportunity to both the parties to adduce evidence and to be heard.

(Vinod Kumar Sinha, J)

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