

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.349 of 2018

Arising Out of PS. Case No.- Year-1111 Thana- District- Araria

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Md. Rahil, s/o Late Md. Tikaru, r/o Village- Baligarh, P.S.- Sikty, Distt.- Araria.

... .. Petitioner/s

Versus

1. Bibi Asaretun, w/o Md. Rahil and d/o late Tikaru,
2. Salique, so Md. Rahil, both above are R/o Village- Baligarh, P.S.- Sikty, District- Araria.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 13-11-2019

Heard learned counsel for the petitioner.

2. The petitioner has moved the Court against the order dated 15.12.2017 passed by the Principal Judge, Family Court, Araria, in Maintenance Case No.72 of 2014 by which a sum of Rs.3,000/- per month has been awarded in favour of the opposite party no. 1, who is wife, and Rs.2,000/- in favour of the opposite party no. 2, who is the minor son of the petitioner.

3. Learned counsel for the petitioner submitted that the opposite party no. 1 is drawing widow pension from the State showing the petitioner to be dead on the one hand and then seeking maintenance from him on the other hand, which has not been properly appreciated by the Court below. However, on a



query of the Court as to whether the impugned order records such stand taken by the petitioner as the Court below has proceeded to record that no documentary or cogent evidence was brought on record and has disbelieved the same, learned counsel fairly submitted that such evidence has recently been obtained by the petitioner.

4. On a further query of the Court as to when such evidence was, admittedly, not brought before the Court below, why should this Court, at the first instance, consider the same, when already the petitioner has remedy under Section 127 of the Code of Criminal Procedure, 1973, learned counsel submitted that the matter be disposed off with liberty aforesaid.

5. In view thereof, the application stands disposed off with liberty aforesaid.

6. The Court will only observe that whatever documents, which may be produced by the petitioner, would be considered by the Court below, in accordance with law, on its own merits without being prejudiced by the present order.

(Ahsanuddin Amanullah, J)

J. Alam/-

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