

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.148 of 2018

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

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Vivek Kumar, son of Late Brahmdev Prasad, Resident of Village - Madho Rampur, P.S. Rajauli, District - Nawada Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anita Kumari, wife of Vivek Kumar, daughter of Bishun Prasad, Resident of Village - Laxmi Bigaha, P.S. Rajauli, District - Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma
For the Respondent/s : Mr. Rajesh Kumar

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 10-05-2019

Heard learned counsel for the parties.

This criminal revision is barred by limitation of seven days. The delay is explained in I.A. No. 2478 of 2018. Hence, the delay is condoned.

Wife of this petitioner had brought Maintenance Case No. 85 of 2015, in the court of learned Principal Judge, Family Court, Nawada, against the petitioner, under Section 125 of the Code of Criminal Procedure. Even after publication of the notice in the daily newspaper, the petitioner did not appear. Hence, ex parte, proceeding was going on before the learned court below.

By the impugned order dated 08.09.2017, on the prayer of the petitioner, the ex parte order was recalled by the learned court below with condition that the petitioner would pay



Rs.5,000/- (rupees five thousand) to the wife, who is opposite party no. 2 herein.

The impugned order further reveals that the petitioner is a government teacher. Marriage is not disputed and wife is unemployed as well as mother of a child aged about 8 years. The learned court below noticed that in fact, the petitioner had sufficient knowledge of the proceeding after publication of the notice in the daily newspaper. However, for substantial justice, the ex parte order was recalled.

The grievance of the petitioner is that the cost of Rs.5,000/- (rupees five thousand) is excessive one and that should not have been imposed.

Apparently, the petitioner is adopting delaying tactics and this criminal revision is devoid of any merit. Hence, it stands dismissed with cost of Rs.25,000/- (rupees twenty five thousand) to be paid to the wife.

The learned court below shall recover the aforesaid amount from the petitioner as fine, if not paid within 15 days.

(Birendra Kumar, J)

Kundan/-

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