

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.94 of 2018

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

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Gajadhar Kumar Singh, S/o Late Mahanth Singh @ Mahesh Prasad Singh,
R/o Village - Mill Tola, Naugachhia, P.S. - Naugachhia, District - Bhagalpur
... .. Petitioner/s

Versus

1. The State of Bihar
2. Amrita Bharti, D/o Subodh Singh, W/o Gajadhar Kumar Singh, R/v Beldiha,
P.O. - Sauriya, P.S. - Dandkhora, District - Katihar.
... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh, Advocate
For the Respondent/s : Mr. Ashok Kumar Singh 1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 29-04-2019

Heard the parties.

Matrimonial Case No. 83 of 2016 brought by opposite
party no. 2 Amrita Bharti under Section 125 of the Cr.P.C. against
the petitioner was pending in the Court of learned Principal Judge,
Family Court, Katihar.

The petitioner appeared and raised objection regarding
territorial jurisdiction of the Court at Katihar on the ground that
the opposite party no. 2 is real resident of Bhagalpur district as her
name appears in the voter list of Gopalpur Assembly Constituency.
School certificate of opposite party no. 2 also reveals that she was
resident of village Gopalpur in the district of Bhagalpur.

Opposite party no. 2 resisted the claim of the petitioner
on the ground that after torture by the petitioner, she is residing



within territorial jurisdiction of Katihar along with her father and father has got landed property in the district of Katihar. She produced certain document in proof thereof and after considering the evidences of the parties, the learned court below turned down prayer of the petitioner.

Section 126 Cr.P.C. provides that application under Section 125 Cr.P.C. may be taken against any person in any district (a) where he is, or (b) where he or his wife resides, or (c) where he last resided with his wife, or as the case may be, with the mother of the illegitimate child.

Apparently, the application has been filed within the jurisdiction of the district where the wife resides. Section 126 of the Cr.P.C. does not provide that the place of residence of the petitioner should necessarily be permanent residence. Hence, there is no merit in this criminal revision. Accordingly, it stands dismissed.

(Birendra Kumar, J)

Kundan/-

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