

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.499 of 2016

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

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Santosh Kumar Gupta @ Nagraj, son of Manikchand Sao, resident of village Ghosila Khurd, P.O. Ghoshila, Kala, P.S. Bikramganj, District - Rohtas.

... .. Petitioner

Versus

1. State Of Bihar
2. Indu Devi, wife of Santosh Kumar Gupta @ Nagraj, resident of village Ghosila Khurd, P.O. Ghoshila, Kala, P.S. Bikramganj, District - Rohtas Bihar at present daughter of Krishna Sao, resident of village Rajoi, P.O. Rajoi, P.S. - Aurangabad Muffasil, District - Aurangabad Bihar.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh with Mr. Shoilesh Kr.Singh
For the Respondent/s : Mr.Ganesh Pd.Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 02-07-2019 Having heard both sides and considering the averments made in the petition, the delay in filing this revision application is condoned.

I.A. No. 1483 of 2016 is condoned.

This application has been filed against the order dated 23.9.2013 passed by learned Principal Judge, Family Court, Aurangabad in Maintenance Case No. 90 of 2012 filed under Section 125 Cr.P.C. by opposite party No.2 whereby the petitioner has been directed to pay an amount of 3000/- per month to opposite party No.2 for her and her daughter's maintenance and further directed to pay Rs.20,000/- within one month from the date of the order for medical expenses having



been incurred by her.

The ground for assailing the impugned order is that it is an ex parte order without giving opportunity to the petitioner of being heard and adduced evidence. Further submission of learned counsel for the petitioner is that petitioner is Khalasi and not driver of the truck and without assessing his income the order granting maintenance of Rs.3000/- per month has been passed.

On the other hand, learned counsel for opposite party No.2 has opposed this application on the ground that it is not the case of the petitioner that notice was not served upon him rather petitioner has appeared and after hearing learned Family Court has passed the order granting maintenance of Rs.3000/- per month to opposite party No.2, which does not require any interference by this Court.

At this stage, learned counsel for the petitioner has submitted that he has no objection in paying the maintenance amount but he is ready to keep her with dignity and care, as such the court may be directed for taking steps for reconciliation.

Considering the aforesaid facts and circumstances, this application is disposed of with direction to the court below



that if such petition is filed by the petitioner, he will try for conciliation between the parties. Learned counsel for opposite party No.2 has no objection.

(Vinod Kumar Sinha, J)

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