

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.374 of 2016**

Arising Out of PS. Case No.-189 Year-2014 Thana- BUXAR COMPLAINT CASE District-
Buxar

Shiv Shankar Prasad, Son of Sri Badal Prasad, resident of Village Raja Bazar,
Bihia, PS Bihia, District Bhojpur at Ara.

... .. Petitioner

Versus

1. State Of Bihar
2. Janki Devi, Wife of Shiv Shankar Prasad, D/o Hari Narayan Sah Resident of
Village and Ps Brahampur, District Buxar.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Sada Nand Roy, Advocate
For the Respondent/s : Mr.Manish Kumar-II, APP

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

6 04-07-2019 This revision application is directed against the order dated 5.3.2016 passed by learned Sessions Judge, Buxar in Cr.Appeal No. 1 of 2016 whereby and whereunder he has dismissed the appeal and affirmed the order dated 18.1.2016 passed by S.D.J.M., Buxar in Case No. 189-C of 2014/1948 of 2016, T.R. No. 2270 of 2014 by which learned S.D.J.M. directed the petitioner to take opposite party No.2-wife to his residence and keep her with dignity and care and not subjecting her to domestic violence.

Submission of learned counsel for the petitioner is that petitioner is ready to provide her similar accommodation or to pay rent to her and he is also ready to provide alternate accommodation to opposite party No.2 as enjoyed by her in the



share household or pay rent for the same. It is also submitted that it is not the case of opposite party No.2 that still she is residing in the shared house with the petitioner, rather it is a case that she has been ousted from the house and further considering the fact that several cases are going on between the parties it is not advisable to reside in the shared house which will lead to other litigations also.

On the other hand, learned counsel for opposite party No.2 has submitted that the impugned order shows to keep her with the shared house with dignity and care and she is ready for that but petitioner is not providing the same.

Heard both sides.

Section 19 of Protection of Women from Domestic Violence Act, 2005 provides as follows:

“19. Residence orders.- (1) While disposing of an application under sub-section (1) of section 12, the Magistrate may, on being satisfied that domestic violence has taken place, pass a residence order-
(a) restraining the respondent from dispossessing or in any other manner disturbing the possession of the aggrieved person from the shared household, whether or not the respondent has a legal or equitable interest in the shared household;



- (b) directing the respondent to remove himself from the shared household;**
- (c) restraining the respondent or any of his relatives from entering any portion of the shared household in which the aggrieved person resides;**
- (d) restraining the respondent from alienating or disposing off the share household or encumbering the same;**
- (e) restraining the respondent from renouncing his rights in the shared household except with the leave of the Magistrate; or**
- (f) directing the respondent to secure same level of alternate accommodation for the aggrieved person as enjoyed by her in the shared household or to pay rent for the same, if the circumstances so require.”**

From the above it appears that sub-section(1)(f) provides for direction to respondent to secure same level of alternate accommodation for the aggrieved person as enjoyed by her in the shared household or to pay rent for the same, if the circumstances so require.

In that view of the matter, considering the aforesaid submission of learned counsel for the petitioner, this case is remitted back to learned S.D.J.M., Buxar to consider the above



provision and pass an order afresh in accordance with law within a period of six months from the receipt of this order.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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