

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1473 of 2019

Arising Out of PS. Case No.- Year-0 Thana- District- Samastipur

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Anil Kumar, Son of Dinesh Chandra Mahto, Resident of Ward No. 04
Pachupur Police Station- Rosera, District- Samastipur.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Law Department,
Government of Bihar, Patna.
2. Nutan Devi, Wife of Anil Kumar, Resident of Ward No. 04, Pachupur Police
Station- Rosera, District- Samastipur. Present Address- Daughter of Late
Kapildev Singh, resident of Village-Gara, Police Station-Veerpur, District-
Begusarai.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Ranjit Kumar, Advocate
For the Respondents-State: Md. Raisul Haque, SC-10

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 08-11-2019

In the present application preferred under Articles
226 and 227 of the Constitution of India, the petitioner has
challenged the order dated 16.08.2019 passed by the learned
Additional Chief Judicial Magistrate-I, Rosera in Miscellaneous
Case No.8 of 2018 whereby the petitioner has been directed to
pay Rs.3,000/- per month as maintenance allowance to the
complainant and Rs.4,000/- per month for both children as
interim relief.

2. The aforesaid dated 16.08.2019 has been passed
by the learned Additional Chief Judicial Magistrate-I in a case
under Domestic Violence Act, 2005.



3. Section 29 of the Domestic Violence Act provides that there shall lie an appeal to the court of Sessions within thirty days from the date on which order made by the Magistrate is served upon aggrieved person or the respondent, as the case may be, whichever is later.

4. In view of the statutory appeal provided under the Domestic Violence Act against the order impugned, I am not inclined to entertain the present application filed under Articles 226 and 227 of the Constitution of India.

5. The application is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.11.2019
Transmission Date	NA

