

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.892 of 2018

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

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Md. Ishtiyaque son of Razzaque @ Rajjak, resident of Village- Chandradai,
Kamldah, P.S. Araria R.S., District- Araria.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Nazmin Khatoon W/o Md. Ishtiyaque.
3. Bibi Ummehabid D/o- Md. Ishtiyaque
(under the guardianship of O.P. No. 2 Nazmin Khatoon), Both are resident of
Village- Diyari, P.S. Araria, District- Araria.

... .. Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr.Md. Ziaul Quamar
For the Respondent/s	:	Mr. Amit Kumar Rakesh

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date : 19-02-2019

I.A. No.2220 of 2018:

This is an application for condoning the delay of 42 months in filing criminal revision against the order dated 05.12.2015 passed in Maintenance Case No.17/2014 (Trial No.72/2014) by Principal Judge, Family Court, Araria.

It has been submitted that petitioner resides outside the State to earn his livelihood and the final order passed by the Family Court was not communicated to him and he had no knowledge about the passing of the said order and when he came back to his house, he got knowledge about the order passed by Family Court as such the delay in filing this criminal



revision may be condoned.

For the reasons as stated in the limitation petition, the delay in filing criminal revision is condoned. The I.A. No.2220 of 2018 stand allowed.

Heard parties.

This criminal revision application is filed for setting aside the order dated 05.12.2015 passed in Maintenance Case No. 17 of 2014 (Trial No.72 of 2014) passed by learned Principal Judge, Family Court, Araria directing petitioner to pay a sum of rupees three thousand per month as maintenance to opposite party no.2 from the date of order.

The marriage of petitioner was solemnized with opposite party no.2 six year ago according to Muslim Rites and Customs and both lived happily and ,however, it is alleged that after some time of marriage, dowry was demanded and for non-fulfillment of which opposite party no.2 was ousted from the house when she was pregnant and, thereafter, she started residing with her parents where a female child was born to her.

Opposite party no.2 had no source of income and as such she filed the present maintenance case for grant of maintenance of rupees ten thousand to her and her minor daughter which was contested by the petitioner in the Family Court. Petitioner



has stated that allegation of demand of dowry was false and he never tortured opposite party no.2 and he is ready to keep her but opposite party no.2 is not willing to live with petitioner as such she is not entitled for maintenance and there is no reason for her to live separately in her parental home. It has further been stated that opposite party no.2 has filed criminal cases against him and she has sufficient income to maintain herself.

The opposite party no.2 has examined herself as P.W.2 and in support of her maintenance case, two witnesses have been examined in support of her case, however, no witnesses have been examined on behalf of petitioner.

After hearing the parties and considering the material available on record and evidences adduced before the Family Court and order of payment of rupees three thousand per month as maintenance was passed by the Family Court from the date of order along with arrears of interim maintenance of rupees three thousand which was awarded by order dated 06.08.2015 by 10th of each successive month.

The order passed by the Family Court for grant of maintenance to opposite party no.2 who is living with her parents along with her minor daughter is quite reasonable and modest as such this Court is not inclined to interfere in the



order passed by the Family Court and, accordingly, this criminal
revision petition is dismissed.

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.02.2019
Transmission Date	NA

