

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.247 of 2018

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

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Ramesh Kumar @ Pappu, S/o Late Ram Narayan Prasad, R/o Mohalla- Bari Patan Devi Colony, near Community Hall, Post - Gulzarbag, P.S.- Alamganj, District- Patna.

... .. Petitioner/s

Versus

1. Shushma Devi, W/o Sri Ramesh Kumar @ Pappu,
 2. Pari, Minor D/o Ramesh Kumar @ Pappu,
 3. Yash Raj, Minor S/o Ramesh Kumar @ Pappu,
- Opposite Party No.2 and 3 are minors who are living under the custody and care of their mother Smt. Shushma Devi (Petitioner No.1)
- All R/o Mohalla- Musallahpur Chaintola Chandravanshi Path, P.O.- Mahendru, P.S.- Kadamkuan, Distt.- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner : None
For the Opposite Parties : Mr. Sabal Kishore Prasad, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

7 18-02-2020 Heard learned counsel for the opposite parties.

Learned counsel for the petitioner is absent and there was no representation on behalf of the petitioner on 13.02.2020 also.

This case thus stands dismissed for non-prosecution with an observation to the court below to ensure that the order passed by this Court on 21.10.2019 is implemented by the petitioner, namely, Ramesh Kumar @ Pappu. The directions at paragraphs 4 and 5 of the aforesaid order dated 21.10.2019 are quoted hereunder:

“4. Having regard to the aforesaid, the Court finds
that the petitioner taking the stand that he does not



earn is not only untenable but rather a clear cut attempt to shirk from the responsibility of having to support his wife and children. A person who is capable of working and him not doing so, in the background of having liabilities, cannot be shown any compassion or indulgence. Even if, the petitioner may not be working for the present, it is required that he works and in the worst scenario as a daily wager, which also would give him sufficient money to satisfy the order of the Court below with regard to payment of monthly maintenance. A person even if not getting employment for the whole month can still easily meet the target of Rs. 8,000/- per month when admittedly it is his case that he is being supported by his mother and, thus, he himself does not need to save any money, as he is doing now.

5. At this stage, learned counsel for the petitioner submitted that the Court may consider his plight and may waive Rs.20,000/- lump-sum cost of litigation awarded against him and also grant him six months time to pay the arrears of the amount fixed as monthly maintenance.”

The court below is directed to take necessary steps in this regard.

(Anjana Mishra, J)

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