

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3668 of 2020

Arising out of
CRIMINAL REVISION No.172 of 2018

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Umesh Paswan, aged about 56 years, male, Son of Late Yugal Paswan
Resident of Village- Madanpur, Post- Madanpur Kahra, P.S.- Bharrahi, Distt-
Madhepura

... .. Petitioner/s

Versus

1. Rina Devi, daughter of late Laxmi Prasad Paswan, W/o Umesh Paswan
2. Tulsi Kumari D/o Umesh Paswan
Both Resident of Muhalla- Chhitabari, P.S.- Muffassil, Distt- Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratnakar Ambastha, Advocate
For the State : Mr. Md. Iftekhar Mahmood, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 17-02-2021

Heard Mr. Ratnakar Ambastha, learned counsel for the petitioner and Mr. Md. Iftekhar Mahmood, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

2. The present application has been filed seeking recall of order dated 02.09.2019 by which Criminal Revision No. 172 of 2018 was dismissed due to non-prosecution.

3. At the outset, when the Court asked learned counsel for the petitioner as to whether he has paid the interim maintenance granted by the Court below in favour of opposite parties no. 1 and 2, learned counsel submitted that the same has



not been done.

4. Having regard to the fact that the said interim maintenance was in favour of opposite parties no. 1 and 2, who are the wife and daughter of the petitioner, and such payment not having been made, the Court is not inclined to consider the prayer for recall of the order dated 02.09.2019.

5. Accordingly, the application stands dismissed.

6. The Principal Judge, Family Court, Katihar shall ensure that its order dated 17.10.2017 passed in Maintenance Case No. 146 of 2016 is complied with forthwith.

(Ahsanuddin Amanullah, J)

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