

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.36046 of 2021**

**In**

**CRIMINAL MISCELLANEOUS No.31397 of 2015**

Arising Out of PS. Case No.-132 Year-2015 Thana- BAHERA District- Darbhanga

CHOUDHARY KRISHNA KANHAIYA ROY Son of Choudhary Raghunath Roy Resident of Village - Batho, Tole Laxmipur, P.S.- Bahera, Sub-Division Benipur, District - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mamta Krishna Kanhaiya Roy (Wife of Kanhaiya Roy @ Choudhary Krishna Kanhaiya Roy), Daughter of Ram Lala Jha @ Ram Lala Badrinarain Jha, Block No. 13, Quarter No. 897, At Nehru Nagar Sasahat, Nasik Road, District - Nasik (Maharashtra) Pin - 422401.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Gajendra Kumar Jha  
For the Opposite Party/s : Mr.Akhileshwar Dayal

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

ORAL ORDER

2      04-08-2021                      The matter has been taken up for hearing online because of COVID-19 pandemic restrictions.

In course of hearing of Cr. Misc. No. 31397 of 2015, an order was passed on 17.04.2017, relevant portion of which reads thus :-

*‘It is, therefore, observed that till further orders, the Principal Judge, Family Court, Darbhanga shall not compel either the petitioner or opposite party No. 2 to produce their witnesses in view of the several orders which have been passed in the present case.’*

Learned counsel appearing on behalf of the petitioner has submitted that because of the said order of this Court,



learned Principal Judge, Family Court, Darbhanga is not proceeding in the matrimonial case, which is pending before him. He, accordingly, submits that this Court may either modify or clarify the order so that the learned Principal Judge, Family Court, Darbhanga may proceed with the matrimonial case pending before him.

The said order was passed in Cr. Misc. No. 31397 of 2015, which has already been disposed of. Accordingly, the interim order dated 17.04.2017, as quoted above, has lost its relevance.

In any view of the matter, it is clarified that the court below may now proceed with the matter in accordance with law. The Court, at this stage, observes that the parties are expected to act in terms of the undertakings given by them, based on which the criminal case was disposed of.

This application stands allowed with the aforesaid observation and clarification.

Let this order be communicated to the court below forthwith.

**(Chakradhari Sharan Singh, J)**

Rajesh/-

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