

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.116 of 2020

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

MAKSHUD ALAM @ PAPPU Son of Md. Jaliluddin Resident of Sahebganj,
P.S.- University, District - Bhagalpur. At present resident of Nasrat Khan
Road, Nath Nagar, District - Bhagalpur, PIN Code - 812006.

... .. Petitioner

Versus

1. SAHINA PARVEEN Wife of Maksud Alam D/o MD. Ekram D/o Md. Ekram, Resident of Sahebganj, P.S.- University, P.O.- Champa Nagar, District - Bhagalpur.
2. The State of Bihar

... .. Opposite Parties.

Appearance :

For the Petitioner/s	:	Mr.Anish Chandra Sinha, Advocate
For the Respondent/s	:	Mr.Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

- 3 11-10-2022 It appears on perusal of the impugned order dated 25.11.2019 that the learned Principal Judge, Family Court, Bhagalpur has proceed on a wrong notion that this Court in Cr. Revision No. 714/2012 had stayed the order of the learned Family Court by which maintenance of Rs. 3000/- in respect of O.P. No. 1 and Rs. 1000/- for the minor daughter was allowed. The fact apparent from the records particularly the order dated 28.02.2014 passed in Cr. Rev. No. 714/2012 would show that this Court did not stay the operation of the order dated 24.03.2012 passed by learned Principal Judge, Family Court, Bhagalpur in Miscellaneous Case No. 62 of 2009. This Court only granted liberty to the petitioner to apply under Section



126(2) Cr.P.C. for setting-aside of the ex parte order. During pendency of such application the court granted stay of the order dated 10.10.2012 by which distress warrant had been issued against the petitioner.

Therefore, this Court finds that the order dated 24.03.2012 is still in existence and no stay is operating against the said order. This being the position. There was no occasion for the learned court below to pass an interim order of present nature.

In any view of the matter, the impugned order in the nature of an interim order cannot be challenged in the revision application in the light of the judgment of the Hon'ble Division Bench of this Court in the case of **Md. Akil Ahmad v. The State of Bihar & Ors.** reported in **2016 (4) PLJR 968.**

This Revision Application is, thus, dismissed.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

