

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.258 of 2016

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

NIRANJAN SAH @ NIRANJAN KUMAR SAH Son of Late Lakhan Sah,
Resident of Village/ Mohalla - Gudari Bazar, Dalsingsarai, P.S. - Dalsingsarai,
District - Samastipur.

... .. Petitioner

Versus

1. The State Of Bihar
2. Sangeeta Devi, Wife of Niranjan Sah, D/o Nand Kishore Sah, Permanent resident of Mohalla - Gudari Bazar, Dalsingsarai, P.S. - Dalsingsarai, District - Samastipur, at present resident of Mohalla - Sahu Road, B Division Lane, P.S. Nagar, District - Muzaffarpur.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.Dharmesh Kumar Shrivastava, Advocate
For the O.P. no. 2	:	Mr.Syed Firoj Raza, Advocate
For the State	:	Mr. Akhileshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

11 14-11-2022 Heard learned counsel for the petitioner, learned counsel for the opposite party no. 2 as also the State.

This revision application has been filed for setting aside the *ex-parte* order dated 04.12.2015 passed in Maintenance Case No. 71 of 2010 by learned Principal Judge, Family Court, Muzaffarpur directing the petitioner to pay Rs. 3,000/- per month to the applicant-wife from the date of filing of the maintenance petition under Section 125 Cr.P.C.

Learned counsel for the petitioner has pointed out to this Court that in this matter a settlement had taken place which may be found mentioned in the order dated 13.08.2018 passed



by this Court. According to the settlement the petitioner had offered to pay Rs. 3,00,000/- to the complainant-opposite party no. 2. The said offer was accepted by and on behalf of the opposite party no. 2. In view of the said settlement, the petitioner was directed to pay first installment of Rs. 50,000/- and it appears from the order dated 18.09.2018 that the said first installment of Rs. 50,000/- was paid vide cheque no. 470851 dated 18.09.2018 drawn in favour of the opposite party no. 2 on the State Bank of India. The rest of the amount i.e. Rs. 2,50,000/- was required to be deposited within a period of six months.

This case was directed to be listed after six months. Today, learned counsel for the petitioner submits that despite his hectic effort to get in touch with the petitioner, he is unable to contact his client and that the petitioner is not responding to his call.

Learned counsel for the opposite party no. 2 is also not aware as to whether rest of the amount of Rs. 2,50,000/- has been deposited with opposite party no. 2 or not.

In the given facts and circumstances of the case, this Court is of the considered opinion that this case has lost its efficacy at this stage. The parties have entered into a settlement



and they have acted upon that. Some part payments have been made. The parties are not aware about the full payment but the fact remains that the settlement is recorded in the order of this Court.

In that view of the matter, this Court, instead of keeping this revision application pending, deems it just and proper to dispose it of with liberty to the opposite party no. 2 to recover Rs. 2,50,000/- from the petitioner, if not already paid to her in terms of the order of this Court by taking appropriate action in accordance with law. If the petitioner has not deposited the amount with the opposite party no. 2, he may still do so within a period of 30 days from today, failing which the opposite party no. 2 may apart from taking any other action file a case in this Court for initiation of a proceeding for contempt against the petitioner.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

vats/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'.

