

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.433 of 2017

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

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1. Hafiz Parwej Alam, son of Md. Fahimuddin Ansari,
 2. Md. Ahumuddin Ansari @ Fahim Ansari, Son of Late Mani Mian @ Nabhu Mian, Both resident of Village Hari Nagar, P.S. Dulhin Bazar, District- Patna.

... .. Petitioners

Versus

1. The State of Bihar
2. Shabnam Parveen, Wife of Hafiz Parvej Alam, Resident of Village Hari Nagar, P.S. Dulhin Bazar, District- Patna.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.Navesh Nandan, Advocate
For the Respondent/s	:	Mr.Akhileshwar Dayal, A.P.P.
For the O.P. No. 2	:	Mr. Md. Fahimuddin, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 06-12-2022 Heard learned counsel for the parties.

The petitioners are aggrieved by and dissatisfied with the appellate order dated 12th of August, 2016 passed by learned Additional Sessions Judge VI, Danapur, Patna in Cr. Appeal No. 148 of 2013 whereby and whereunder the learned appellate court has been pleased to affirm the order dated 19.07.2012 passed by learned Judicial Magistrate 1st Class, Danapur in Complaint Case No. 619(C)/2011 granting interim reliefs to the opposite party no. 2 under Section 18, 19 and 20 of the Protection of Women from the Domestic Violence Act.

Learned counsel for the petitioners submits that by



way of interim relief the petitioners have been directed to pay a lump sum amount of Rs. 10,000/- to opposite party no. 2 as compensation and damages. The petitioners have been further directed to pay a sum of Rs. 3,000/- per month to the opposite party no. 2 by way of maintenance. The order has been made applicable from the date of the order.

The only point raised on behalf of the petitioners is that petitioner no. 1 is a Maulvi and his monthly income is not sufficient to pay Rs. 3,000/- per month.

On the other hand, learned counsel for the opposite party no. 2 has drawn the attention of this Court towards the findings which have been noticed by the learned appellate court in paragraph '8' of its judgment. There is no dispute that the opposite party no. 2 is the wife of petitioner no. 1 and out of the wedlock the opposite party no. 2 gave birth to three children which include two female and one male child. The court has recorded that she has been neglected and was deserted by the petitioners. The petitioner no. 1 is said to have performed a second marriage.

In the totality of the facts and circumstances of the case and the materials available on the record, this Court is of the considered opinion that no interference is required with the



interim relief granted to the opposite party no. 2.

Learned counsel for the opposite party no. 2 has placed before this Court a copy of the judgment of the Hon'ble Supreme Court in the case of **Shalu Ojha versus Prashant Ojha** reported in **(2015) 2 Supreme Court Cases (Cri) 826**, in which the Hon'ble Supreme Court has taken a view that the orders granting interim relief under Section 18 of the Domestic Violence Act need not be interfered and the High Court should be slow in interfering with the orders by which the maintenance is granted to the applicant-wife.

This revision application is, thus, dismissed.

This Court finds that the complaint case is pending since the year 2011. Let the learned Magistrate proceed with the case on day to day basis and dispose it of within a period of four months from the date of receipt/communication of a copy of this order. Both the parties must cooperate in final disposal of the case.

(Rajeev Ranjan Prasad, J)

vats/-

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