

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67651 of 2021**

**In
CRIMINAL REVISION No.441 of 2016**

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

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Md. Mumtazuddin S/o Late Md. Aziz @ Bhaglu Khan R/o village- Kandi,
P.S.- Chandauti, District- Gaya

... .. Petitioner

Versus

Akbari Khatoon D/o Abdul Bahu R/o Mohalla- Sadisopur, P.S.- Bihata,
District- Patna

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Amir Alam, Advocate

For the Opposite Party : Mr. Birendra Kumar, Advocate

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

ORAL ORDER

8 09-03-2022 Criminal Revision No. 441 of 2016 stood dismissed
for default for non-compliance of peremptory order. This case
has been filed for restoration of Criminal Revision No. 441 of
2016. This application has been filed more than five years after
the dismissal of the criminal revision application.

The aforementioned Criminal Revision application
was filed challenging an order passed under Section 125 of the
Code of Criminal Procedure, whereby a sum of Rs. 2,500/-
(Rupees Two Thousand Five Hundred Only) per month was
directed to be paid by the petitioner to the opposite party as
maintenance.

Learned counsel representing the opposite party has



appeared in the restoration application and while opposing this application has submitted that the petitioner is not paying the amount fixed by the court below on regular basis though there is no interim order passed by any court against the order dated 28.02.2012 passed by the court below.

It is an admitted fact that the said order dated 28.02.2012, whereby the maintenance was granted at the rate of Rs. 2,500/- (Rupees Two Thousand Five Hundred Only) per month has subsequently been modified and the amount of maintenance has been enhanced to Rs. 5,000/- (Rupees Five Thousand Only) per month.

In the Court's opinion, the petitioner is misusing the process of the Court by trying to linger the dispute relating to grant of maintenance under Section 125 of the Code of Criminal Procedure. There is no cogent explanation furnished by the petitioner justifying delay of more than five years in the filing of the present restoration application.

This application is manifestly frivolous which deserves to be dismissed and is accordingly dismissed.

(Chakradhari Sharan Singh, J)

K.K.RAO/-

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