

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1004 of 2019

In
CRIMINAL MISCELLANEOUS No.22962 of 2015

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

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Suresh Mahto Son of Rambali Mahto Resident of Village- Barkagaon, P.S.
Karja, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Indu Devi, wife of Suresh Mahto, D/o
presently residing at Village-Dariya Chapra, P.S.-Motipur, District-
Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.
For the State : Ms.Shaheen Begum, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 20-09-2022 No one appears for the petitioner to press this
application.

From the records it appears that against the impugned
order dated 09.10.2012 passed by the learned Principal Judge,
Family Court, Muzaffarpur under Section 125 Cr.P.C., the
petitioner filed a criminal miscellaneous case on 12.05.2015.
The said criminal miscellaneous application was dismissed
when no one turned up for the petitioner on 24.08.2018. Later
on the case was restored vide order dated 19.09.2018. In the
next hearing, the petitioner prayed for allowing him to convert
the criminal miscellaneous application in a revision under
Section 19(4) of the Family Courts Act, 1984. The conversion



was allowed. Thereafter, the stamp reporting was done and several defects were pointed out. The learned Joint Registrar (Judicial), vide his order dated 28.08.2019, granted final time to learned counsel for the petitioner to remove the defects but the defects were not removed. When the matter was placed before the Bench, again on 17.02.2020 time was granted to remove the defects but the defects have not been removed.

This Court finds that once again learned counsel for the petitioner is not putting his appearance.

This Court has noticed from the impugned order that in the learned court below also the petitioner did not put his appearance. The allegation against him is of neglecting his wife who has alleged that for non-fulfillment of demand of dowry her husband threw her out of the matrimonial house. She has registered Karja P.S. Case No.13 of 2005 against the petitioner for the offences punishable under Sections 323, 406 and 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act. She has, in course of her evidence, submitted that her husband has his own house and hotel at Delhi. He has got three tempos at Delhi and his monthly income from all sources was Rs. 20,000/- per month but he is not maintaining the applicant-wife. In the given kind of materials present on the



record, the learned Principal Judge, Family Court, Muzaffarpur awarded a sum of Rs.4,000/- per month as maintenance to the applicant-wife and the petitioner was directed to pay the same with effect from the date of filing of the case i.e. 19.07.2008.

The conduct of the petitioner in pursuing his remedy requires a serious consideration. To this Court it appears that taking advantage of the technicalities of law and the general view which the Court takes in the matter of restoration of application, he is neglecting the proceeding. Earlier his criminal miscellaneous application was also dismissed in default and for last four years he has not taken care of this proceeding particularly after the conversion was allowed. This Court would have dismissed this case in default once again but sensing that the same would only help the petitioner in delaying the payment of maintenance and once again he will indulge his wife in keeping the litigation pending by filing another restoration application, therefore, this Court, in the nature of the present proceeding and the spirit of Section 125 Cr.P.C. being a piece of social legislation thought it just and proper to go through the impugned order and take a view thereon.

This Court finds no error in the impugned order as well. In such circumstances, this revision application is



dismissed.

Let the learned Principal Judge, Family Court, Muzaffarpur proceed to execute the impugned judgment and realize the arrears of maintenance as well as the current maintenance. This Court is further imposing a cost of Rs.25,000/- upon the petitioner for keeping his wife engaged in litigation for over one decade and neglecting her by not paying the maintenance amount even for her sustenance.

Let the entire amount be recovered as expeditiously as possible.

(Rajeev Ranjan Prasad, J)

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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'.

