

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.391 of 2017

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

Jasimuddin @ Jasim @ Md. Jasimuddin Son Of Malik Mohammad Najmul Haque, Resident Of Village- Patal Bari, Top Tola, Baliharpur, P.S.- Kadwa, District- Katihar.

... .. Petitioner

Versus

1. The State Of Bihar
2. Bibi Seema Khatoon, Wife of Jasimuddin, D/o Malik Mohammad Saique Alam, Resident of Village- Putul Bari Top Tola, Baliharpur, P.S.- Kadwa , District- Katihar.
3. Md. Imran (Minor), Son of Jasimuddin, represented through Opp. Party no. 2 who is his mother and natural Guardian, Resident of Village- Patal Bari, Top Tola, Baliharpur, P.S.- Kudwa, District- Katihar.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.
For the State : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 05-12-2022 No one appears on behalf of the petitioner to press this application.

This Court has recorded the situation presently prevailing wherein in the old cases of Criminal Revisions, most of the lawyers are not putting their appearance. Reference in this regard may be made to the order dated 24.11.2022 passed by this Court in Criminal Revision No.1233 of 2016.

For similar reasons, this Court deems it just and proper to go through the records and dispose it of on its own merit.

Petitioner in this case is aggrieved by and dissatisfied



with the judgment dated 23.11.2016 passed in Maintenance Case No. 1067 of 2014 on an application under Section 125 Cr.P.C.

By the impugned judgment, the learned Principal Judge, Family Court, Katihar has allowed a maintenance amount of Rs. 2000/- per month to the Petitioner No. 1 and Rs. 1000/- per month to the minor son of the present petitioner.

On perusal of the impugned judgment, it appears that in the learned court below both the parties have been heard, they were given opportunities to adduce their respective evidences. The evidences suggest that earlier this petitioner had committed rape with the Opposite Party No. 2 whereafter she became pregnant. Then the petitioner solemnized marriage with Opposite Party No.2. Opposite Party No. 2 gave birth to a son who is Opposite Party No. 3. They have no sufficient source of income whereas this petitioner is working in Delhi and has sufficient income to maintain her. The father of this petitioner appeared as O.P.W. No. 1 who has stated at the relevant time that his son was earning Rs. 150-200/- per day. In his cross examination, he accepted that the petitioner is working at Delhi. He also accepted the factum of marriage and birth of the child.

Having regard to the entire facts and circumstances



of the case and the materials available on the record, the learned Family Court has arrived on a conclusion duly recorded in paragraph '17' of the impugned judgment.

This Court finds no error with the impugned judgment. This revision application has no merit. It is dismissed accordingly.

Learned Principal Judge, Family Court, Katihar shall proceed to enforce the impugned judgment as expeditiously as possible and ensure that the entire outstanding payment be made to the opposite parties. If the petitioner is not paying the maintenance amount to the opposite party in the name of the pendency of this revision application, he would be liable to pay an additional cost of Rs. 25,000/- (Rupees Twenty-Five Thousand Only) which would be also be realized with the arrears of maintenance.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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