

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1459 of 2019

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

Raju Paswan Son of Harihar Paswan Resident of Village-Saray Banwari, P.O. and P.S.-Chakia, District-East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Kanti Devi Daughter of Jay Paswan Resident of Village-Saray Banwari, P.O. and P.S.-Chakia, District-East Champaran At present-resident of Village-Tikaita, P.O. and P.S.-Turkauliya, District-East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pravin Kumar, Advocate
For the State	:	Mr.Shyam Kumar Singh, APP
For the O.P.No.2	:	Mr.Dhurendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 16-09-2022 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the opposite party no.2.

Petitioner in this case is aggrieved by and dissatisfied with an interim order dated 29.08.2019 passed by the learned Principal Judge, Family Court, Motihari, East Champaran in Maintenance Case No.44 of 2016 by which the learned court has been pleased to allow an interim maintenance of Rs.3000/- per month to the opposite party no.2.

It appears that when this matter was initially taken up for consideration on 09.12.2019, this Court could not be informed that the revision application would not lie against an interim order passed under Section 125 Cr.P.C. This Court,



while issuing notice to the opposite no.2, directed the petitioner to pay an interim maintenance of Rs.1000/- per month from January, 2020.

Learned counsel for the petitioner submits that in compliance of this Court's order, the interim maintenance of Rs.1000/- was paid for about two months but thereafter the opposite party no.2 was not coming to the court to receive the amount.

This submission of learned counsel for the petitioner has been strongly opposed by learned counsel for the opposite party no.2. It is submitted that the petitioner has completely neglected and disobeyed the order of this Court and has not paid the said sum of Rs.1000/- per month as per direction of this Court. It is his further submission that the revision application itself is fit to be dismissed as not maintainable.

Having regard to the submissions noted hereinabove and in view of the Hon'ble Division Bench judgment of this Court in the case of ***Md. Akil Ahmad Vs. The State of Bihar & Ors. reported in 2016 (4) PLJR 968***, this Court would take a view that this revision application is not maintainable against an interim order, hence, it cannot proceed.

This revision application is dismissed.



The learned Principal Judge, Family Court, Motihari, East Champaran shall proceed to dispose of the main case within a period of four months from the date of communication of this order. In the meantime, the arrears of interim maintenance shall be deposited by the petitioner.

If the petitioner has not complied with the order dated 09.12.2019 passed by this Court and the learned Principal Judge, Family Court, Motihari, East Champaran is satisfied that he has not abided by the order of this Court, the petitioner shall be called upon to pay the entire arrears of interim maintenance with a cost of Rs.25,000/- payable by the petitioner to the applicant-wife for keeping her engaged in litigation all these years.

This application stands disposed of accordingly.

(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'.

